

1 ENGROSSED SENATE AMENDMENTS  
TO

2 ENGROSSED HOUSE  
BILL NO. 3228

By: Echols of the House

and

Standridge of the Senate

7 An Act relating to medical marijuana; amending  
8 Section 1, State Question No. 788, Initiative  
9 Petition No. 412, as last amended by Section 2,  
10 Chapter 509, O.S.L. 2019 (63 O.S. Supp. 2019, Section  
11 420), which relates to medical marijuana patient and  
12 caregiver licensing requirements; specifying biannual  
13 payment of application fees for patient licenses;  
14 authorizing the State Department of Health to deny  
15 patient license applications; removing recordkeeping  
16 requirement related to approved medical marijuana  
17 licenses; clarifying types of records and information  
18 the Department must seal for privacy; providing for  
19 the assessment of late renewal fees for patients  
20 attempting to renew licenses after expiration; making  
21 renewal fees nonrefundable; prohibiting reinstatement  
22 of certain expired licenses; amending Section 2,  
23 State Question No. 788, Initiative Petition No. 412  
24 (63 O.S. Supp. 2019, Section 421), which relates to  
dispensary licensing requirements; increasing time  
limitation for reviewing medical marijuana dispensary  
license applications; authorizing the Department to  
deny dispensary license applications; deleting  
penalties for gross discrepancy and fraudulent  
reporting and fraudulent sales; amending Section 3,  
State Question No. 788, Initiative Petition No. 412  
(63 O.S. Supp. 2019, Section 422), which relates to  
commercial grower licensing requirements; increasing  
time limitation for reviewing medical marijuana  
commercial grower license applications; authorizing  
the Department to deny commercial grower license  
applications; authorizing commercial growers to  
package and sell pre-rolled cigarettes; deleting  
penalties for gross discrepancy and fraudulent  
reporting and fraudulent sales; amending Section 4,  
State Question No. 788, Initiative Petition No. 412

1 (63 O.S. Supp. 2019, Section 423), which relates to  
2 medical marijuana processor licensing requirements;  
3 increasing time limitation for reviewing medical  
4 marijuana processing license applications;  
5 authorizing the Department to deny processing license  
6 applications; deleting penalties for gross  
7 discrepancy and fraudulent reporting; specifying  
8 entity that oversees inspection and compliance of  
9 processors; amending Section 6, State Question No.  
10 788, Initiative Petition No. 412, as amended by  
11 Section 3, Chapter 509, O.S.L. 2019 (63 O.S. Supp.  
12 2019, Section 425), which relates to protections for  
13 medical marijuana licensees; decreasing distance  
14 requirement between retail marijuana establishments  
15 and public and private schools; specifying manner by  
16 which distances between properties shall be measured;  
17 updating statutory citation; amending Section 4,  
18 Chapter 509, O.S.L. 2019 (63 O.S. Supp. 2019, Section  
19 426.1), which relates to licensure revocation and  
20 hearings; updating statutory citations; directing the  
21 Department to make list of marijuana-licensed  
22 premises available to state agencies; requiring  
23 marijuana-licensed premises and businesses to submit  
24 certain documentation when requesting a location  
change; amending Section 2, Chapter 11, O.S.L. 2019,  
as last amended by Section 1, Chapter 390, O.S.L.  
2019, Section 3, Chapter 11, O.S.L. 2019, as amended  
by Section 6, Chapter 477, O.S.L. 2019, Section 4,  
Chapter 11, O.S.L. 2019, Section 6, Chapter 11,  
O.S.L. 2019, as amended by Section 7, Chapter 477,  
O.S.L. 2019, Section 7, Chapter 11, O.S.L. 2019, as  
amended by Section 5, Chapter 509, O.S.L. 2019,  
Section 9, Chapter 11, O.S.L. 2019, Section 10,  
Chapter 11, O.S.L. 2019, as amended by Section 2,  
Chapter 390, O.S.L. 2019, Section 11, Chapter 11,  
O.S.L. 2019, Section 13, Chapter 11, O.S.L. 2019,  
Section 14, Chapter 11, O.S.L. 2019, as amended by  
Section 6, Chapter 509, O.S.L. 2019, Section 16,  
Chapter 11, O.S.L. 2019, Section 17, Chapter 11,  
O.S.L. 2019, as amended by Section 4, Chapter 312,  
O.S.L. 2019, Section 18, Chapter 11, O.S.L. 2019,  
Section 19, Chapter 11, O.S.L. 2019, Section 20,  
Chapter 11, O.S.L. 2019, Section 22, Chapter 11,  
O.S.L. 2019 and Section 23, Chapter 11, O.S.L. 2019,  
as amended by Section 11, Chapter 477, O.S.L. 2019  
(63 O.S. Supp. 2019, Sections 427.2, 427.3, 427.4,  
427.6, 427.7, 427.9, 427.10, 427.11, 427.13, 427.14,

1 427.16, 427.17, 427.18, 427.19, 427.20, 427.22 and  
2 427.23), which relate to the Oklahoma Medical  
3 Marijuana and Patient Protection Act; modifying scope  
4 of certain definitions; deleting certain definitions;  
5 updating references to certain named act; clarifying  
6 duties and functions of the Oklahoma Medical  
7 Marijuana Authority; providing for the establishment  
8 of a fee schedule and collection of fees under  
9 certain circumstances; modifying inspection  
10 notification requirement; requiring licensees to  
11 submit certain information; providing statutory  
12 citations; authorizing on-site inspections or  
13 investigations of medical marijuana businesses and  
14 certain facilities; authorizing the State Department  
15 of Health to enter licensed premises and certain  
16 facilities; providing for post-licensure inspections;  
17 removing notice requirement; providing for additional  
18 investigations and inspections under certain  
19 circumstances; authorizing the review of licensed  
20 medical marijuana waste disposal facility records;  
21 removing provision that allows licensees to secure  
22 legal representation prior to interviews conducted by  
23 the Department; providing penalties for grossly  
24 inaccurate or fraudulent reports; authorizing the  
Department to issue orders without notice or hearing  
under certain circumstances; requiring compliance  
with provisions of order; affording opportunity to  
apply for a hearing after issuance of order;  
clarifying privacy requirements for handling records  
of patients and caregivers; deleting references to  
certain federal act; authorizing the Authority to  
contact recommending physicians of licensees;  
providing for licenses to be immediately voided  
without a hearing under certain circumstances;  
allowing patients to request the withdrawal of a  
caregiver license; directing withdrawal of caregiver  
license without a hearing under certain  
circumstances; directing certain facilities to keep  
transaction records and utilize seed-to-sale tracking  
system; deleting inventory tracking recordkeeping  
requirement; modifying certain business licensing  
requirement by including research, education and  
waste disposal facility applicants and licensees;  
requiring criminal history background checks for  
license renewals; providing exemption from residency  
requirement for certain medical marijuana business  
license applicants; deleting certain copy and digital

1 image identification requirements; providing for the  
2 denial of business applications; updating statutory  
3 citations; prohibiting the issuance of research,  
4 education and waste disposal facility licenses to  
5 certain persons; removing requirement to consider  
6 additional information when considering criminal  
7 histories of business license applicants; clarifying  
8 manner by which the Department may seek  
9 administrative action against applicants or  
10 licensees; modifying exemption to certain compliance  
11 requirement; requiring research, education and waste  
12 disposal facility licensees to pay licensure fees  
13 prior to receiving license; providing late renewal  
14 fee for reinstatement of licenses; making fee  
15 nonrefundable; prohibiting reinstatement of certain  
16 expired licenses; prohibiting medical marijuana  
17 businesses, research, education and waste disposal  
18 facilities from operating without a valid, unexpired  
19 license; providing for the issuance of transporter  
20 licenses to certain entities; reducing transporter  
21 agent license fee; providing for the reprint of  
22 licenses without charge; stating fee for subsequent  
23 license reprints; modifying and deleting certain  
24 qualifications for issuing transporter agent registry  
identification cards; deleting certain inventory  
manifest prohibition; increasing amount of time  
inventory manifests and logs shall be maintained;  
removing authority ability of the Oklahoma Medical  
Marijuana Authority to develop research practices and  
methods; removing requirement that prohibits indirect  
beneficial owners from owning a laboratory; narrowing  
scope of testing laboratory licenses; requiring  
laboratory licensees to comply with application  
requirements; authorizing testing laboratories to  
accept samples from research and education  
facilities; allowing the testing of product to be  
conducted at quality assurance laboratories;  
directing the State Department of Health to develop  
standards and policies for validation procedures;  
specifying type of batches and samples that must be  
identified and tracked by an inventory tracking  
system; increasing amount of time required for  
testing laboratories to retain test results; removing  
test batch weight limitation; increasing number of  
inspections required for testing laboratories after  
licensure; authorizing additional investigations and  
inspections under certain circumstances; authorizing

1 commercial growers to transfer certain product to  
2 processors under certain conditions; deleting certain  
3 labeling requirement; making payment of research  
4 license fees annual; clarifying application process  
5 requirements for medical marijuana education facility  
6 licenses; authorizing revocation of licenses for  
7 violations of applicable laws, rules and regulations;  
8 specifying the type of records and information that  
9 are considered confidential and exempt from the  
10 Oklahoma Open Records Act; authorizing the Department  
11 to share certain information with the Oklahoma Tax  
12 Commission; modifying name of entity that recommends  
13 rules to the State Commissioner of Health;  
14 authorizing the State Department of Health to appoint  
15 additional members to the Medical Marijuana Advisory  
16 Council; authorizing the Department to tag or mark  
17 medical marijuana and medical marijuana product under  
18 certain conditions; authorizing the Department to  
19 embargo medical marijuana and medical marijuana  
20 product; making the removal or disposal of embargoed  
21 medical marijuana and medical marijuana product  
22 without permission unlawful; allowing the State  
23 Commissioner of Health to institute actions in  
24 district court for the condemnation and destruction  
of embargoed medical marijuana and medical marijuana  
product that fails to meet certain requirements;  
providing for the removal of embargoed medical  
marijuana and medical marijuana product after certain  
determination by the Commissioner; providing  
exemption from liability; providing for the  
destruction of medical marijuana and medical  
marijuana product upon findings made by the court;  
requiring expenses associated with destruction, court  
costs and fees to be paid by owner or defendant;  
authorizing courts to order delivery of medical  
marijuana and medical marijuana product to owner or  
defendant under certain circumstances; directing  
expenses for supervision be paid to Commissioner by  
certain person; amending Sections 2, 3 and 4, Chapter  
337, O.S.L. 2019 (63 O.S. Supp. 2019, Sections 428.1,  
429 and 430), which relate to the Oklahoma Medical  
Marijuana Waste Management Act; modifying scope of  
certain definitions; authorizing the destruction of  
marijuana roots and stalks; deleting documentation  
requirements for entities that engage in the disposal  
of medical marijuana waste; removing requirement for  
entities to maintain disposal records for certain

1 period of time; clarifying manner by which distance  
2 requirements shall be measured for waste disposal  
3 facilities; removing alternative financial assurance  
4 option; providing for the annual issuance of annual  
5 permits; modifying name of revolving fund; updating  
6 statutory citations; providing for codification; and  
7 providing an effective date.

8 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and  
9 entire bill and insert

10 "An Act relating to medical marijuana; amending  
11 Section 1, State Question No. 788, Initiative  
12 Petition No. 412, as last amended by Section 2,  
13 Chapter 509, O.S.L. 2019 (63 O.S. Supp. 2019, Section  
14 420), which relates to medical marijuana patient and  
15 caregiver licensing requirements; clarifying  
16 applicability of certain offense; specifying biannual  
17 payment of application fees for patient licenses;  
18 extending license period of temporary license;  
19 broadening eligibility requirements for temporary  
20 license; authorizing the State Department of Health  
21 to deny patient license applications; removing  
22 recordkeeping requirement related to approved medical  
23 marijuana licenses; clarifying types of records and  
24 information the Department must seal for privacy;  
providing for the assessment of late renewal fees for  
patients attempting to renew licenses after  
expiration; making renewal fees nonrefundable;  
prohibiting reinstatement of certain expired  
licenses; amending Section 2, State Question No. 788,  
Initiative Petition No. 412 (63 O.S. Supp. 2019,  
Section 421), which relates to dispensary licensing  
requirements; increasing time limitation for  
reviewing medical marijuana dispensary license  
applications; authorizing the Department to deny  
dispensary license applications; deleting penalties  
for gross discrepancy and fraudulent reporting and  
fraudulent sales; authorizing the sale of pre-rolled  
medical marijuana; authorizing dispensary to deliver  
to certain private residences; requiring certain  
verification; requiring patient or caregiver to

1 provide certain information; amending Section 3,  
2 State Question No. 788, Initiative Petition No. 412  
3 (63 O.S. Supp. 2019, Section 422), which relates to  
4 commercial grower licensing requirements; increasing  
5 time limitation for reviewing medical marijuana  
6 commercial grower license applications; authorizing  
7 the Department to deny commercial grower license  
8 applications; authorizing commercial growers to  
9 package and sell pre-rolled medical marijuana;  
10 deleting penalties for gross discrepancy and  
11 fraudulent reporting and fraudulent sales; amending  
12 Section 4, State Question No. 788, Initiative  
13 Petition No. 412 (63 O.S. Supp. 2019, Section 423),  
14 which relates to medical marijuana processor  
15 licensing requirements; increasing time limitation  
16 for reviewing medical marijuana processing license  
17 applications; authorizing the Department to deny  
18 processing license applications; deleting penalties  
19 for gross discrepancy and fraudulent reporting;  
20 specifying entity that oversees inspection and  
21 compliance of processors; amending Section 6, State  
22 Question No. 788, Initiative Petition No. 412, as  
23 amended by Section 3, Chapter 509, O.S.L. 2019 (63  
24 O.S. Supp. 2019, Section 425), which relates to  
protections for medical marijuana licensees;  
clarifying certain protections; providing standard  
related to child endangerment; providing certain  
exception; specifying manner by which distances  
between certain properties shall be measured;  
conforming language; amending Section 4, Chapter 509,  
O.S.L. 2019 (63 O.S. Supp. 2019, Section 426.1),  
which relates to licensure revocation and hearings;  
removing certain exception; directing the Department  
to make list of marijuana-licensed premises available  
to state agencies; requiring certain marijuana-  
licensed premises and businesses to submit certain  
documentation when requesting a location change;  
allowing single certificate of compliance except  
under certain conditions; amending Section 2, Chapter  
11, O.S.L. 2019, as last amended by Section 1,  
Chapter 390, O.S.L. 2019, Section 3, Chapter 11,  
O.S.L. 2019, as amended by Section 6, Chapter 477,  
O.S.L. 2019, Section 4, Chapter 11, O.S.L. 2019,  
Section 6, Chapter 11, O.S.L. 2019, as amended by  
Section 7, Chapter 477, O.S.L. 2019, Section 7,  
Chapter 11, O.S.L. 2019, as amended by Section 5,  
Chapter 509, O.S.L. 2019, Section 9, Chapter 11,

1 O.S.L. 2019, Section 10, Chapter 11, O.S.L. 2019, as  
2 amended by Section 2, Chapter 390, O.S.L. 2019,  
3 Section 11, Chapter 11, O.S.L. 2019, Section 13,  
4 Chapter 11, O.S.L. 2019, Section 14, Chapter 11,  
5 O.S.L. 2019, as amended by Section 6, Chapter 509,  
6 O.S.L. 2019, Section 16, Chapter 11, O.S.L. 2019,  
7 Section 17, Chapter 11, O.S.L. 2019, as amended by  
8 Section 4, Chapter 312, O.S.L. 2019, Section 18,  
9 Chapter 11, O.S.L. 2019, Section 19, Chapter 11,  
10 O.S.L. 2019, Section 20, Chapter 11, O.S.L. 2019,  
11 Section 22, Chapter 11, O.S.L. 2019 and Section 23,  
12 Chapter 11, O.S.L. 2019, as amended by Section 11,  
13 Chapter 477, O.S.L. 2019 (63 O.S. Supp. 2019,  
14 Sections 427.2, 427.3, 427.4, 427.6, 427.7, 427.9,  
15 427.10, 427.11, 427.13, 427.14, 427.16, 427.17,  
16 427.18, 427.19, 427.20, 427.22 and 427.23), which  
17 relate to the Oklahoma Medical Marijuana and Patient  
18 Protection Act; modifying scope of certain  
19 definitions; deleting certain definitions; updating  
20 references to certain named act; clarifying duties  
21 and functions of the Oklahoma Medical Marijuana  
22 Authority; providing for the establishment of a fee  
23 schedule and collection of fees under certain  
24 circumstances; requiring licensees to submit certain  
information; providing statutory citations;  
authorizing on-site inspections or investigations of  
medical marijuana businesses and certain facilities;  
authorizing the State Department of Health to enter  
licensed premises and certain facilities; providing  
for post-licensure inspections; providing for  
additional investigations and inspections under  
certain circumstances; authorizing the State  
Commissioner of Health to prescribe certain  
penalties; defining term; authorizing the review of  
licensed medical marijuana waste disposal facility  
records; removing provision that allows licensees to  
secure legal representation prior to interviews  
conducted by the Department; providing penalties for  
grossly inaccurate or fraudulent reports; authorizing  
the Department to issue orders without notice or  
hearing under certain circumstances; requiring  
compliance with provisions of order; affording  
opportunity to apply for a hearing after issuance of  
order; clarifying privacy requirements for handling  
records of patients and caregivers; deleting  
references to certain federal act; authorizing the  
Authority to contact recommending physicians of



1 licensees; expanding certain protections to  
2 podiatrists; providing for patient license  
3 revocation; allowing patients to request the  
4 withdrawal of a caregiver license; directing  
5 withdrawal of caregiver license without a hearing  
6 under certain circumstances; directing certain  
7 facilities to keep transaction records and utilize  
8 seed-to-sale tracking system; deleting inventory  
9 tracking recordkeeping requirement; providing certain  
10 exception related to fees; modifying certain business  
11 licensing requirement by including research,  
12 education and waste disposal facility applicants and  
13 licensees; requiring criminal history background  
14 checks for license renewals; reducing allowed  
15 documentation; providing exemption from residency  
16 requirement for certain medical marijuana business  
17 license applicants; modifying and deleting certain  
18 identification requirements; providing for the denial  
19 of business applications; prohibiting the issuance of  
20 research, education and waste disposal facility  
21 licenses to certain persons; removing requirement to  
22 consider additional information when considering  
23 criminal histories of business license applicants;  
24 clarifying manner by which the Department may seek  
administrative action against applicants or  
licensees; modifying exemption to certain compliance  
requirement; requiring research, education and waste  
disposal facility licensees to pay licensure fees  
prior to receiving license; providing late renewal  
fee for reinstatement of licenses; making fee  
nonrefundable; prohibiting reinstatement of certain  
expired licenses; prohibiting medical marijuana  
businesses, research, education and waste disposal  
facilities from operating without a valid, unexpired  
license; providing for the issuance of transporter  
licenses to certain entities; authorizing transport  
to patients, parents or legal guardians of patients,  
and caregivers; prohibiting certain repeat transport;  
directing promulgation of certain rules; limiting  
delivery to certain private residences; removing  
certain transport requirements; requiring certain  
inspection and verification; prohibiting delivery to  
certain locations; reducing transporter agent license  
fee; providing for the reprint of licenses without  
charge; stating fee for subsequent license reprints;  
modifying and deleting certain qualifications for  
issuing transporter agent registry identification

1 cards; deleting certain inventory manifest  
2 prohibition; increasing amount of time inventory  
3 manifests and logs shall be maintained; defining  
4 term; removing ability of the Oklahoma Medical  
5 Marijuana Authority to develop research practices and  
6 methods; removing requirement that prohibits indirect  
7 beneficial owners from owning a laboratory; narrowing  
8 scope of testing laboratory licenses; requiring  
9 laboratory licensees to comply with application  
10 requirements; authorizing testing laboratories to  
11 accept samples from research and education  
12 facilities; allowing the testing of product to be  
13 conducted at quality assurance laboratories;  
14 directing the State Department of Health to develop  
15 standards and policies for validation procedures;  
16 specifying type of batches and samples that must be  
17 identified and tracked by an inventory tracking  
18 system; increasing amount of time required for  
19 testing laboratories to retain test results; removing  
20 test batch weight limitation; increasing number of  
21 inspections required for testing laboratories after  
22 licensure; authorizing additional investigations and  
23 inspections under certain circumstances; authorizing  
24 commercial growers to transfer certain product to  
processors under certain conditions; deleting and  
modifying certain labeling and packaging  
requirements; making payment of research license and  
education license fees annual; clarifying application  
process requirements for medical marijuana education  
facility licenses; authorizing revocation of licenses  
for violations of applicable laws, rules and  
regulations; specifying the type of records and  
information that are considered confidential and  
exempt from the Oklahoma Open Records Act;  
authorizing the Department to share certain  
information with the Oklahoma Tax Commission;  
modifying name of entity that recommends rules to the  
State Commissioner of Health; authorizing the State  
Department of Health to appoint additional members to  
the Medical Marijuana Advisory Council; authorizing  
the Department to tag or mark medical marijuana and  
medical marijuana product under certain conditions;  
authorizing the Department to embargo medical  
marijuana and medical marijuana product; making the  
removal or disposal of embargoed medical marijuana  
and medical marijuana product without permission  
unlawful; allowing the State Commissioner of Health

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

18  
19 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

20 SECTION 1. AMENDATORY Section 1, State Question No. 788,  
21 Initiative Petition No. 412, as last amended by Section 2, Chapter  
22 509, O.S.L. 2019 (63 O.S. Supp. 2019, Section 420), is amended to  
23 read as follows:  
24

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

3 1. Consume marijuana legally;

4 2. Legally possess up to three (3) ounces (84.9 grams) of  
5 marijuana on their person;

6 3. Legally possess six (6) mature marijuana plants;

7 4. Legally possess six (6) seedling plants;

8 5. Legally possess one (1) ounce (28.3 grams) of concentrated  
9 marijuana;

10 6. Legally possess seventy-two (72) ounces (2,037.6 grams) of  
11 edible marijuana; and

12 7. Legally possess up to eight (8) ounces (226.4 grams) of  
13 marijuana in their residence.

14 B. Possession of up to one and one-half (1.5) ounces (42.45  
15 grams) of marijuana by persons ~~who can state a medical condition,~~  
16 ~~but not in possession of a state-issued~~ without a medical marijuana  
17 license, shall constitute a misdemeanor offense punishable by a fine  
18 not to exceed Four Hundred Dollars (\$400.00) and shall not be  
19 subject to imprisonment for the offense. Any law enforcement  
20 officer who comes in contact with a person in violation of this  
21 subsection and who is satisfied as to the identity of the person, as  
22 well as any other pertinent information the law enforcement officer  
23 deems necessary, shall issue to the person a written citation  
24 containing a notice to answer the charge against the person in the

1 appropriate court. Upon receiving the written promise of the  
2 alleged violator to answer as specified in the citation, the law  
3 enforcement officer shall release the person upon personal  
4 recognizance unless there has been a violation of another provision  
5 of law.

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

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

18 E. A temporary license application shall also be made available  
19 on the website of the State Department of Health for residents of  
20 other states. A temporary medical marijuana license shall be  
21 granted to ~~any medical marijuana license holder from other states,~~  
22 ~~provided that the state has a state regulated medical marijuana~~  
23 ~~program, and the applicant can prove he or she is a member of such~~  
24 applicants who meet all requirements applicable to medical marijuana

1 patient license applicants prescribed by law or rule, except the  
2 residency requirement provided by subsection F of this section.

3 Temporary licenses shall be issued for ~~thirty (30)~~ ninety (90) days.  
4 The cost for a temporary license shall be One Hundred Dollars  
5 (\$100.00). Renewal will be granted with resubmission of a new  
6 application. No additional criteria shall be required.

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

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

21 ~~H. The State Department of Health shall only keep the following~~  
22 ~~records for each approved medical 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       ~~I.~~ The State Department of Health shall make available, both on  
5 its website, and through a telephone verification system, an easy  
6 method to validate the authenticity of a medical marijuana license  
7 by the unique ~~24-character~~ ten- to twenty-four-character  
8 identification number.

9       ~~J.~~ I. The State Department of Health shall ensure that all  
10 ~~application~~ medical marijuana patient and caregiver records and  
11 information are sealed to protect the privacy of medical marijuana  
12 license applicants and such records shall not be shared with any  
13 other state agency or political subdivision without a warrant issued  
14 by a court of competent jurisdiction.

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

1 license. Applicants for a caregiver license shall submit proof of  
2 the license status and homebound status of the medical marijuana  
3 license holder, that the caregiver is the designee of the medical  
4 marijuana license holder, that the caregiver is eighteen (18) years  
5 of age or older, and that the caregiver is an Oklahoma resident.  
6 This shall be the only criteria for a caregiver license.

7 ~~H.~~ K. All applicants must be eighteen (18) years of age or  
8 older. A special exception shall be granted to an applicant under  
9 the age of eighteen (18), however these applications must be signed  
10 by two (2) physicians and the parent or legal guardian of the  
11 applicant.

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

19 ~~N.~~ M. A medical marijuana patient who attempts to renew his or  
20 her license more than thirty (30) days after expiration of the  
21 license shall pay a late renewal fee in an amount to be determined  
22 by the Department to reinstate the license. Late renewal fees are  
23 nonrefundable. A license that has been expired for more than ninety  
24 (90) days shall not be reinstated.



1        N. Counties and cities may enact medical marijuana guidelines  
2 allowing medical marijuana license holders or caregivers to exceed  
3 the state limits set forth in subsection A of this section.

4        SECTION 2.        AMENDATORY        Section 2, State Question No. 788,  
5 Initiative Petition No. 412 (63 O.S. Supp. 2019, Section 421), is  
6 amended to read as follows:

7        Section 421. A. The ~~Oklahoma~~ State Department of Health shall,  
8 within thirty (30) days of passage of this initiative, make  
9 available~~7~~ on ~~their~~ its website~~7~~ in an easy-to-find location~~7~~ an  
10 application for a medical marijuana dispensary license. The  
11 application fee shall be Two Thousand Five Hundred Dollars  
12 (\$2,500.00) ~~and a.~~ A method of payment ~~will~~ shall be provided on  
13 the Department's website. ~~Retail~~ Dispensary applicants must all be  
14 Oklahoma state residents. Any entity applying for a ~~retail~~  
15 dispensary license must be owned by an Oklahoma state resident and  
16 must be registered to do business in Oklahoma. The ~~Oklahoma~~ State  
17 Department of Health shall have ~~two (2) weeks~~ ninety (90) business  
18 days to review the application, approve ~~or~~, reject or deny the  
19 application~~7~~ and mail the ~~approval/rejection~~ approval, rejection or  
20 denial letter ~~(if rejected,~~ stating any reasons for rejection~~) or~~  
21 denial to the applicant.

22        B. The ~~Oklahoma~~ State Department of Health ~~must~~ shall approve  
23 all applications which meet the following criteria:  
24

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

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

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

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

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

12       6. All applicants must disclose all ownership~~r~~.

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

19       C. ~~Retailers will~~ Dispensaries shall be required to complete a  
20 monthly sales report to the ~~Oklahoma~~ State Department of Health.  
21 This report ~~will~~ shall be due on the ~~15th~~ fifteenth of each month  
22 and provide reporting on the previous month. This report ~~will~~ shall  
23 detail the weight of marijuana purchased at wholesale and the weight  
24 of marijuana sold to card holders~~r~~ and account for any waste. The

1 report ~~will~~ shall show total sales in dollars, tax collected in  
2 dollars, and tax due in dollars. The ~~Oklahoma~~ State Department of  
3 Health ~~will~~ shall have oversight and auditing responsibilities to  
4 ensure that all marijuana being grown is accounted for. ~~A retailer~~  
5 ~~will only be subject to a penalty if a gross discrepancy exists and~~  
6 ~~cannot be explained. Penalties for fraudulent reporting occurring~~  
7 ~~within any 2 year time period will be an initial fine of Five~~  
8 ~~Thousand Dollars (\$5,000.00) (first) and revocation of licensing~~  
9 ~~(second).~~

10 D. Only a licensed medical marijuana ~~retailer may~~ dispensary  
11 shall conduct retail sales of marijuana, or marijuana derivatives in  
12 the form provided by licensed processors, and these products ~~can~~  
13 shall only be sold to a licensed medical marijuana ~~license holder~~  
14 patients or ~~their caregiver. Penalties for fraudulent sales~~  
15 ~~occurring within any 2 year time period will be an initial fine of~~  
16 ~~Five Thousand Dollars (\$5,000.00) (first) and revocation of~~  
17 ~~licensing (second)~~ licensed medical marijuana caregivers. Beginning  
18 on the effective date of this act, licensed medical marijuana  
19 dispensaries shall be authorized to package and sell to licensed  
20 medical marijuana patients and licensed medical marijuana caregivers  
21 pre-rolled medical marijuana containing only ground parts of the  
22 medical marijuana plant and no concentrates or derivatives.

23 E. Beginning on a date determined by the State Commissioner of  
24 Health, but no later than one hundred eighty (180) days after the

1 effective date of this act, a licensed medical marijuana dispensary  
2 may deliver medical marijuana, medical marijuana concentrate or  
3 medical marijuana products to the private residence of a licensed  
4 medical marijuana patient, the parent or legal guardian of a  
5 licensed medical marijuana patient, or a licensed medical marijuana  
6 caregiver. Delivery shall only be permitted if the private  
7 residence is located within a ten-mile radius of the dispensary. If  
8 no dispensary is located within a ten-mile radius of the private  
9 residence, a dispensary outside of the ten-mile radius may deliver  
10 to the private residence if the dispensary is located in the same  
11 county as the private residence. When contacted by a licensed  
12 medical marijuana patient or caregiver for the purchase and delivery  
13 of medical marijuana, medical marijuana concentrate or medical  
14 marijuana products, the dispensary shall verify that the patient or  
15 caregiver is qualified to purchase and receive a delivery of medical  
16 marijuana, medical marijuana concentrate and medical marijuana  
17 products. The information provided by the patient or caregiver  
18 shall, at a minimum, include the following:

- 19 1. The name and date of birth of the patient or caregiver;
- 20 2. The ten- to twenty-four-character identification number  
21 assigned to the medical marijuana patient or caregiver license;
- 22 3. If the patient is under eighteen (18) years of age, the name  
23 and date of birth of the parent or legal guardian of the patient;

24

1        4. The address of the residence where the order will be  
2 delivered; and

3        5. Any other information required by the State Department of  
4 Health.

5        SECTION 3.        AMENDATORY        Section 3, State Question No. 788,  
6 Initiative Petition No. 412 (63 O.S. Supp. 2019, Section 422), is  
7 amended to read as follows:

8        Section 422. A. The ~~Oklahoma~~ State Department of Health ~~will~~  
9 shall, within thirty (30) days of passage of this initiative, make  
10 available~~7~~ on ~~their~~ its website~~7~~, in an easy-to-find location~~7~~, an  
11 application for a commercial grower license. The application fee  
12 ~~will~~ shall be Two Thousand Five Hundred Dollars (\$2,500.00) ~~and~~.  
13 The methods of payment ~~will~~ shall be provided on the Department's  
14 website. The ~~Oklahoma~~ State Department of Health ~~has two (2) weeks~~  
15 shall have ninety (90) business days to review the application,  
16 approve ~~or~~, reject or deny the application~~7~~, and mail the  
17 ~~approval/rejection~~ approval, rejection or denial letter ~~(if~~  
18 ~~rejected, stating reasons for rejection)~~ stating reasons for the  
19 rejection or denial to the applicant.

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

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

24

1        2. ~~Any~~ 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~~+~~.

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

16       C. A licensed commercial grower may sell marijuana to a  
17 licensed ~~retailer~~, dispensary or a licensed ~~packager~~ processor.  
18 Beginning on the effective date of this act, licensed commercial  
19 growers shall be authorized to package and sell to licensed medical  
20 marijuana dispensaries pre-rolled medical marijuana containing only  
21 ground parts of the medical marijuana plant and no concentrates or  
22 derivatives. Further, these sales ~~will~~ shall be considered  
23 wholesale sales and not subject to taxation. Under no circumstances  
24 may a licensed commercial grower sell marijuana directly to a

1 licensed medical marijuana license holder patient. A licensed  
2 commercial grower may only sell at the wholesale level to a licensed  
3 ~~retailer~~ commercial grower, licensed dispensary, or a licensed  
4 processor. If the federal government lifts restrictions on buying  
5 and selling marijuana between states, then a licensed commercial  
6 grower would be allowed to sell and buy marijuana wholesale from, or  
7 to, an out of state wholesale provider. A licensed commercial  
8 grower ~~will be required to~~ shall, in the manner and form prescribed  
9 by the State Department of Health, complete a monthly yield and  
10 sales report to the ~~Oklahoma~~ State Department of Health. This  
11 report ~~will~~ shall be due on the ~~15th~~ fifteenth of each month and  
12 provide reporting on the previous month. ~~This~~ The report ~~will~~  
13 shall, among other items prescribed by the State Department of  
14 Health, detail the amount of marijuana harvested ~~in pounds,~~ the  
15 amount of drying or dried marijuana on hand, the amount of marijuana  
16 sold ~~to processors in pounds,~~ the amount of waste ~~in pounds,~~ and the  
17 amount of marijuana sold to retailers in lbs. Additionally, this  
18 ~~report will show~~ and total wholesale sales in dollars. The ~~Oklahoma~~  
19 State Department of Health ~~will~~ shall have oversight and auditing  
20 responsibilities to ensure that all marijuana being grown by the  
21 licensed commercial grower is accounted for. ~~A licensed grower will~~  
22 ~~only be subject to a penalty if a gross discrepancy exists and~~  
23 ~~cannot be explained. Penalties for fraudulent reporting or sales~~  
24 ~~occurring within any 2 year time period will be an initial fine of~~

1 ~~Five Thousand Dollars (\$5,000.00) (first) and revocation of~~  
2 ~~licensing (second).~~

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

5 SECTION 4. AMENDATORY Section 4, State Question No. 788,  
6 Initiative Petition No. 412 (63 O.S. Supp. 2019, Section 423), is  
7 amended to read as follows:

8 Section 423. A. The ~~Oklahoma~~ State Department of Health shall,  
9 within thirty (30) days of passage of this initiative, make  
10 available, ~~on their~~ its website, ~~in an easy-to-find location,~~ an  
11 application for a medical marijuana processing license. The  
12 application fee shall be Two Thousand Five Hundred Dollars  
13 (\$2,500.00) ~~and methods.~~ A method of payment ~~will~~ shall be provided  
14 on the Department's website. The ~~Oklahoma~~ State Department of  
15 Health shall have ~~two (2) weeks~~ ninety (90) business days to review  
16 the application, approve ~~or,~~ reject or deny the application, and  
17 mail the ~~approval/rejection~~ approval, rejection or denial letter ~~(if~~  
18 ~~rejected~~ stating reasons for rejection) or denial to the applicant.

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

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

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



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~~+~~.

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

15 C. A licensed processor may ~~take marijuana plants and~~ distill  
16 or process ~~these~~ marijuana plants into concentrates, edibles~~7~~, and  
17 other forms for consumption. As required by subsection D of this  
18 section, the ~~Oklahoma~~ State Department of Health ~~will~~ shall, within  
19 sixty (60) days of passage of this initiative, make available a set  
20 of standards which ~~will~~ shall be used by licensed processors in the  
21 preparation of edible marijuana products. This should be in line  
22 with current food preparation guidelines ~~and no.~~ No excessive or  
23 punitive rules may be established by the ~~Oklahoma~~ State Department  
24 of Health. Once a year, the ~~Oklahoma~~ State Department of Health may

1 inspect a processing operation and determine its compliance with the  
2 preparation standards. If deficiencies are found, a written report  
3 of deficiency ~~will~~ shall be issued to the processor. The processor  
4 ~~will~~ shall have one (1) month to correct the deficiency or be  
5 subject to a fine of Five Hundred Dollars (\$500.00) for each  
6 deficiency. A licensed processor may sell marijuana products it  
7 creates to a licensed ~~retailer,~~ dispensary or any other licensed  
8 processor. Further, these sales ~~will~~ shall be considered wholesale  
9 sales and not subject to taxation. Under no circumstances may a  
10 licensed processor sell marijuana~~,~~ or any marijuana product~~,~~  
11 directly to a licensed medical marijuana ~~license holder~~ patient or  
12 caregiver. However, a licensed processor may process cannabis into  
13 a concentrated form~~,~~ for a licensed medical ~~license holder,~~  
14 marijuana patient or caregiver for a fee. ~~Processors will~~ Licensed  
15 processors shall, in the manner and form prescribed by the State  
16 Department of Health, complete a monthly yield and sales report to  
17 the ~~Oklahoma~~ State Department of Health. This report ~~will~~ shall be  
18 due on the ~~15th~~ fifteenth of each month and provide reporting on the  
19 previous month. ~~This~~ The report ~~will~~ shall, among other items  
20 prescribed by the State Department of Health, detail the amount of  
21 marijuana purchased ~~in pounds,~~ the amount of marijuana cooked or  
22 processed ~~in pounds,~~ ~~and,~~ the amount of waste ~~in pounds.~~  
23 ~~Additionally, this report will show~~ and total wholesale sales in  
24 dollars. The ~~Oklahoma~~ State Department of Health ~~will~~ shall have

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

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

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

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

7 SECTION 5. AMENDATORY Section 6, State Question No. 788,  
8 Initiative Petition No. 412, as amended by Section 3, Chapter 509,  
9 O.S.L. 2019 (63 O.S. Supp. 2019, Section 425), is amended to read as  
10 follows:

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

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

22 ~~1. The~~ the status of the person as a medical marijuana license  
23 holder; ~~or.~~  
24

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

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

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

21        E. No person holding a medical marijuana license may ~~unduly be~~  
22 ~~withheld from holding~~ be denied or restricted from holding a state-  
23 issued license by virtue of their being a licensed medical marijuana  
24

1 ~~license holder~~ patient including, but not limited to, a concealed  
2 carry permit.

3 F. 1. No city or local municipality may unduly change or  
4 restrict zoning laws to prevent the opening of a ~~retail marijuana~~  
5 ~~establishment~~ medical marijuana dispensary.

6 2. For purposes of this subsection, an undue change or  
7 restriction of municipal zoning laws means an act which entirely  
8 prevents ~~retail marijuana establishments~~ dispensaries from operating  
9 within municipal boundaries as a matter of law. Municipalities may  
10 follow their standard planning and zoning procedures to determine if  
11 certain zones or districts would be appropriate for locating  
12 marijuana-licensed premises, medical marijuana businesses or any  
13 other premises where marijuana or its by-products are cultivated,  
14 grown, processed, stored or manufactured.

15 3. For purposes of this section, "~~retail marijuana~~  
16 ~~establishment~~" means an entity licensed by the State Department of  
17 Health as a medical marijuana dispensary. ~~Retail marijuana~~  
18 ~~establishment~~ a medical marijuana dispensary does not include those  
19 other entities licensed by the Department as marijuana-licensed  
20 premises, medical marijuana businesses or other facilities or  
21 locations where marijuana or any product containing marijuana or its  
22 by-products are cultivated, grown, processed, stored or  
23 manufactured.

24

1 G. The location of any ~~retail marijuana establishment~~ medical  
2 marijuana dispensary is specifically prohibited within one thousand  
3 (1,000) feet of any public or private school ~~entrance~~ unless the  
4 medical marijuana dispensary was granted a medical marijuana  
5 dispensary license by the State Department of Health for that  
6 location prior to the effective date of this act. Upon the  
7 effective date of this act, the distance indicated in this  
8 subsection shall be measured from the nearest property line of the  
9 public or private school to the nearest property line of the  
10 dispensary. If any public or private school is established within  
11 one thousand (1,000) feet of any dispensary after such dispensary  
12 has been licensed, the provisions of this section shall not be a  
13 deterrent to the renewal of such license or warrant revocation of  
14 the license.

15 H. Research shall be provided for under this law. A researcher  
16 may apply to the State Department of Health for a special research  
17 license. The license shall be granted, provided the applicant meets  
18 the criteria listed ~~under subsection B of Section 421 of this title~~  
19 in the Oklahoma Medical Marijuana and Patient Protection Act.  
20 Research license holders shall be required to file monthly  
21 consumption reports to the State Department of Health with amounts  
22 of marijuana used for research.

23  
24

1 SECTION 6. AMENDATORY Section 4, Chapter 509, O.S.L.  
2 2019 (63 O.S. Supp. 2019, Section 426.1), is amended to read as  
3 follows:

4 Section 426.1. A. ~~Except for revocation hearings concerning~~  
5 ~~licensed patients, as~~ As defined in Section ~~2~~ 427.2 of ~~Enrolled~~  
6 ~~House Bill No. 2612 of the 1st Session of the 57th Oklahoma~~  
7 ~~Legislature~~ this title, all licensure revocation hearings conducted  
8 pursuant to marijuana licenses established in the Oklahoma Statutes  
9 shall be recorded. A party may request a copy of the recording of  
10 the proceedings. Copies shall be provided to local law enforcement  
11 if the revocation was based on alleged criminal activity.

12 B. The State Department of Health shall assist any law  
13 enforcement officer in the performance of his or her duties upon  
14 such request by the law enforcement officer or the request of other  
15 local officials having jurisdiction. ~~Except for license information~~  
16 ~~concerning licensed patients, as defined in Section 2~~ 427.2 of  
17 ~~Enrolled House Bill No. 2612 of the 1st Session of the 57th Oklahoma~~  
18 ~~Legislature~~ this title, the Department shall share information with  
19 law enforcement agencies upon request without a subpoena or search  
20 warrant.

21 C. The State Department of Health shall make available all  
22 information displayed on medical marijuana licenses, as well as  
23 whether or not the license is valid, to law enforcement  
24



1 electronically through the Oklahoma Law Enforcement  
2 Telecommunications System.

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

11 E. ~~All~~ If located within the incorporated boundaries of any  
12 city or town, all marijuana-licensed premises, medical marijuana  
13 businesses or any other premises where marijuana or its by-products  
14 are licensed to be cultivated, grown, processed, stored or  
15 manufactured shall submit with ~~their~~ the application or request to  
16 change location, after notifying the political subdivision of their  
17 intent, a certificate of compliance from the political subdivision  
18 where the facility or use of the applicant or ~~use~~ licensee is to be  
19 located certifying compliance with zoning classifications,  
20 applicable municipal ordinances and all applicable safety,  
21 electrical, fire, plumbing, waste, construction and building  
22 specification codes. Once a certificate of compliance has been  
23 submitted to the Oklahoma Medical Marijuana Authority showing full  
24 compliance as outlined in this section, no additional certificate of

1 compliance shall be required for license renewal unless a change of  
2 use or occupancy occurs, or there is any change concerning the  
3 facility or location that would by law require additional  
4 inspection, licensure, or permitting by the state or municipal  
5 government.

6 SECTION 7. AMENDATORY Section 2, Chapter 11, O.S.L.  
7 2019, as last amended by Section 1, Chapter 390, O.S.L. 2019 (63  
8 O.S. Supp. 2019, Section 427.2), is amended to read as follows:

9 Section 427.2. As used in ~~this act~~ the Oklahoma Medical  
10 Marijuana and Patient Protection Act:

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

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

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

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

24

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

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

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

21 9. "Complete application" means a document prepared in  
22 accordance with the provisions set forth in this act, rules  
23 promulgated pursuant thereto, and the forms and instructions  
24

1 provided by the Department, including any supporting documentation  
2 required and the applicable license application fee;

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

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

6 12. "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. "Dispensary" means a medical marijuana dispensary, an  
12 entity that has been licensed by the Department pursuant to this act  
13 to purchase medical marijuana or medical marijuana products from a  
14 licensed medical marijuana commercial grower, medical marijuana  
15 dispensary, or medical marijuana processor, to prepare and package  
16 non-infused pre-rolled medical marijuana, and to sell medical  
17 marijuana or medical marijuana products to patients and caregivers  
18 as defined under this act, or sell or transfer products to another  
19 dispensary;

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

24

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

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

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

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

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

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

24

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

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

15           ~~21.~~ 20. "Harvested marijuana" means post-flowering medical  
16 marijuana not including trim, concentrate or waste;

17           ~~22.~~ 21. "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.~~ 22. "Immature plant" means a nonflowering marijuana plant  
22 that has not demonstrated signs of flowering;

23           ~~24.~~ 23. "Inventory tracking system" means the required tracking  
24 system that accounts for the entire life span of medical marijuana,

1 from ~~either~~ the seed ~~or immature plant~~ stage until the medical  
2 marijuana or medical marijuana product is ~~sold to a patient at a~~  
3 ~~medical marijuana dispensary, transferred to a medical marijuana~~  
4 ~~research facility,~~ consumed, used, disposed of or otherwise  
5 ~~destroyed by a medical marijuana business or used in a research~~  
6 ~~project by a medical marijuana research facility;~~

7 ~~25.~~ 24. "Licensed patient" or "patient" means a person who has  
8 been issued a medical marijuana patient license by the State  
9 Department of Health or Oklahoma Medical Marijuana Authority;

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

19 ~~27.~~ 26. "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.~~ 27. "Marijuana" shall have the same meaning as such term is  
2 defined in Section 2-101 of ~~Title 63 of the Oklahoma Statutes~~ this  
3 title;

4       ~~29.~~ 28. "Material change" means any change that would ~~require a~~  
5 ~~substantive revision to the standard operating procedures of a~~  
6 affect the qualifications for licensure of an applicant or licensee  
7 ~~for the cultivation or production of medical marijuana, medical~~  
8 ~~marijuana concentrate or medical marijuana products;~~

9       ~~30.~~ 29. "Mature plant" means a harvestable female marijuana  
10 plant that is flowering;

11       ~~31.~~ 30. "Medical marijuana business (MMB)" means a licensed  
12 medical marijuana dispensary, medical marijuana processor, medical  
13 marijuana commercial grower, medical marijuana laboratory, medical  
14 marijuana business operator, or a medical marijuana transporter;

15       ~~32.~~ 31. "Medical marijuana concentrate" or "concentrate" means  
16 a specific subset of medical marijuana that was produced by  
17 extracting cannabinoids from medical marijuana. Categories of  
18 medical marijuana concentrate include water-based medical marijuana  
19 concentrate, food-based medical marijuana concentrate, solvent-based  
20 medical marijuana concentrate, and heat- or pressure-based medical  
21 marijuana concentrate;

22       ~~33.~~ 32. "Medical marijuana commercial grower" or "commercial  
23 grower" means an entity licensed to cultivate, prepare and package  
24 medical marijuana, package pre-rolled medical marijuana, and



1 transfer or contract for transfer of medical marijuana and pre-  
2 rolled medical marijuana to a medical marijuana dispensary, medical  
3 marijuana processor, any other medical marijuana commercial grower,  
4 medical marijuana research facility, and medical marijuana education  
5 facility ~~and pesticide manufacturers~~. A commercial grower may sell  
6 seeds, flower or clones to commercial growers pursuant to this act;

7 ~~34.~~ 33. "Medical marijuana education facility" or "education  
8 facility" means a person or entity approved pursuant to this act to  
9 operate a facility providing training and education to individuals  
10 involving the cultivation, growing, harvesting, curing, preparing,  
11 packaging or testing of medical marijuana, or the production,  
12 manufacture, extraction, processing, packaging or creation of  
13 medical-marijuana-infused products or medical marijuana products as  
14 described in this act;

15 ~~35.~~ 34. "Medical-marijuana-infused product" means a product  
16 infused with medical marijuana including, but not limited to, edible  
17 products, ointments and tinctures, except pre-rolled medical  
18 marijuana that does not contain medical marijuana concentrate shall  
19 not constitute a medical-marijuana-infused product;

20 ~~36.~~ 35. "Medical marijuana product" or "product" means a  
21 product that contains cannabinoids that have been extracted from  
22 plant material or the resin therefrom by physical or chemical means  
23 and is intended for administration to a qualified patient including,  
24 but not limited to, oils, tinctures, edibles, pills, topical forms,

1 gels, creams, vapors, patches, liquids, and forms administered by a  
2 nebulizer, excluding live plant forms which are considered medical  
3 marijuana;

4 ~~37.~~ 36. "Medical marijuana processor" means a person or entity  
5 licensed pursuant to this act to operate a business including the  
6 production, manufacture, extraction, processing, packaging or  
7 creation of concentrate, medical-marijuana-infused products or  
8 medical marijuana products as described in this act;

9 ~~38.~~ 37. "Medical marijuana research facility" or "research  
10 facility" means a person or entity approved pursuant to this act to  
11 conduct medical marijuana research. A medical marijuana research  
12 facility is not a medical marijuana business;

13 ~~39.~~ 38. "Medical marijuana testing laboratory" or "laboratory"  
14 means a public or private laboratory licensed pursuant to this act,  
15 to conduct testing and research on medical marijuana and medical  
16 marijuana products;

17 ~~40.~~ 39. "Medical marijuana transporter" or "transporter" means  
18 a person or entity that is licensed pursuant to this act. A medical  
19 marijuana transporter does not include a medical marijuana business  
20 that transports its own medical marijuana, medical marijuana  
21 concentrate or medical marijuana products to a property or facility  
22 adjacent to or connected to the licensed premises if the property is  
23 another licensed premises of the same medical marijuana business;

24

1       ~~41.~~ 40. "Medical marijuana waste" or "waste" means unused,  
2 surplus, returned or out-of-date marijuana, plant debris of the  
3 plant of the genus Cannabis, including dead plants and all unused  
4 plant parts and roots;

5       ~~42.~~ 41. "Medical use" means the acquisition, possession, use,  
6 delivery, transfer or transportation of medical marijuana, medical  
7 marijuana products, medical marijuana devices or paraphernalia  
8 relating to the administration of medical marijuana to treat a  
9 licensed patient;

10       ~~43.~~ 42. "Mother plant" means a marijuana plant that is grown or  
11 maintained for the purpose of generating clones, and that will not  
12 be used to produce plant material for sale to a medical marijuana  
13 processor or medical marijuana dispensary;

14       ~~44.~~ 43. "Oklahoma physician" or "physician" means a physician  
15 licensed by and in good standing with the State Board of Medical  
16 Licensure and Supervision, the State Board of Osteopathic Examiners  
17 or the Board of Podiatric Medical Examiners;

18       ~~45.~~ 44. "Oklahoma resident" means an individual who can provide  
19 proof of residency as required by this act;

20       ~~46.~~ 45. "Owner" means, except where the context otherwise  
21 requires, a direct beneficial owner including, but not limited to,  
22 all persons or entities as follows:

- 23           a. all shareholders owning an interest of a corporate  
24               entity and all officers of a corporate entity,

- 1           b. all partners of a general partnership,
- 2           c. all general partners and all limited partners that own
- 3           an interest in a limited partnership,
- 4           d. all members that own an interest in a limited
- 5           liability company,
- 6           e. all beneficiaries that hold a beneficial interest in a
- 7           trust and all trustees of a trust,
- 8           f. all persons or entities that own interest in a joint
- 9           venture,
- 10          g. all persons or entities that own an interest in an
- 11          association,
- 12          h. the owners of any other type of legal entity, and
- 13          i. any other person ~~holding an interest or convertible~~
- 14          ~~note in any entity which owns, operates or manages a~~
- 15          ~~licensed facility~~ or entity which contracts for or
- 16          receives more than ten percent (10%) of the gross
- 17          monthly income or profit of the medical marijuana
- 18          business or which is compensated, in whole or in part,
- 19          based on an allocation of a percentage of sales,
- 20          income, or profit of the medical marijuana business if
- 21          such allocation exceeds ten percent (10%) of the gross
- 22          monthly sales or income of the medical marijuana
- 23          business. For purposes of this subparagraph, any
- 24          person or entity who receives such compensation from a

1 medical marijuana business that was issued a license  
2 prior to the effective date of this act shall not be  
3 considered an owner of that medical marijuana business  
4 under this subparagraph but shall disclose such  
5 financial interest in the medical marijuana business  
6 to the State Department of Health upon request and as  
7 prescribed by the Department. This exception applies  
8 only to persons or entities who received such  
9 compensation or entered into contracts for such  
10 compensation prior to the effective date of this act;

11 ~~47.~~ 46. "Package" or "packaging" means any container or wrapper  
12 that may be used by a medical marijuana business to enclose or  
13 contain medical marijuana;

14 ~~48.~~ 47. "Person" means a natural person, partnership,  
15 association, business trust, company, corporation, estate, limited  
16 liability company, trust or any other legal entity or organization,  
17 or a manager, agent, owner, director, servant, officer or employee  
18 thereof, except that "person" does not include any governmental  
19 organization;

20 ~~49.~~ 48. "Pesticide" means any substance or mixture of  
21 substances intended for preventing, destroying, repelling or  
22 mitigating any pest or any substance or mixture of substances  
23 intended for use as a plant regulator, defoliant or desiccant,  
24 except that the term "pesticide" shall not include any article that

1 is a "new animal drug" as designated by the United States Food and  
2 Drug Administration;

3 ~~50.~~ 49. "Production batch" means:

4 a. any amount of medical marijuana concentrate of the  
5 same category and produced using the same extraction  
6 methods, and standard operating procedures ~~and an~~  
7 ~~identical group of harvest batch of medical marijuana,~~  
8 or

9 b. any amount of medical marijuana product of the same  
10 ~~exact~~ type, produced using the same ingredients,  
11 standard operating procedures and the same production  
12 batch of medical marijuana concentrate;

13 ~~51.~~ 50. "Public institution" means any entity established or  
14 controlled by the federal government, state government, or a local  
15 government or municipality including, but not limited to,  
16 institutions of higher education or related research institutions;

17 ~~52.~~ 51. "Public money" means any funds or money obtained by the  
18 holder from any governmental entity including, but not limited to,  
19 research grants;

20 ~~53.~~ 52. "Recommendation" means a document that is signed or  
21 electronically submitted by a physician on behalf of a patient for  
22 the use of medical marijuana pursuant to this act;

23 ~~54.~~ 53. "Registered to conduct business" means a person that  
24 has provided proof that the business applicant or commercial

1 licensee is in good standing with the Oklahoma Secretary of State  
2 and:

- 3       a. is in good standing with the Oklahoma Tax Commission,  
4       or  
5       b. in the case of dispensaries only, is in good standing  
6       with or has entered into a mutually agreeable payment  
7       plan with the Oklahoma Tax Commission;

8       ~~55.~~ 54. "Remediation" means the process by which ~~the medical~~  
9 ~~marijuana flower or trim, which has failed microbial testing, is~~  
10 ~~processed into solvent-based medical marijuana concentrate and a~~  
11 harvest batch or production batch undergoes a procedure, prior to  
12 laboratory testing or after the batch has failed laboratory testing,  
13 to remedy the harvest batch or production batch and is retested as  
14 required by this act in accordance with Oklahoma laws, rules and  
15 regulations;

16       ~~56.~~ 55. "Research project" means a discrete scientific endeavor  
17 to answer a research question or a set of research questions related  
18 to medical marijuana and is required for a medical marijuana  
19 research license. A research project shall include a description of  
20 a defined protocol, clearly articulated goals, defined methods and  
21 outputs, and a defined start and end date. The description shall  
22 demonstrate that the research project will comply with all  
23 requirements in this act and rules promulgated pursuant thereto.  
24 All research and development conducted by a medical marijuana

1 research facility shall be conducted in furtherance of an approved  
2 research project;

3 ~~57.~~ 56. "Revocation" means the final decision by the Department  
4 that any license issued pursuant to this act is rescinded because  
5 the individual or entity does not comply with the applicable  
6 requirements set forth in this act or rules promulgated pursuant  
7 thereto;

8 ~~58.~~ 57. "School" means a public or private preschool or a  
9 public or private elementary or secondary school used for school  
10 classes and instruction. A homeschool, daycare or child-care  
11 facility shall not be considered a "school" as used in this act;

12 ~~59.~~ 58. "Shipping container" means a hard-sided container with  
13 a lid or other enclosure that can be secured in place. A shipping  
14 container is used solely for the transport of medical marijuana,  
15 medical marijuana concentrate, or medical marijuana products between  
16 medical marijuana businesses, a medical marijuana research facility,  
17 or a medical marijuana education facility;

18 ~~60.~~ 59. "Solvent-based medical marijuana concentrate" means a  
19 medical marijuana concentrate that was produced by extracting  
20 cannabinoids from medical marijuana through the use of a solvent  
21 approved by the Department;

22 ~~61.~~ 60. "State Question" means Oklahoma State Question No. 788,  
23 Initiative Petition No. 412, approved by a majority vote of the  
24 citizens of Oklahoma on June 26, 2018;



1       ~~62. "Strain" means the classification of marijuana or cannabis~~  
2 ~~plants in either pure sativa, indica, afghanica, ruderalis or hybrid~~  
3 ~~varieties;~~

4       ~~63.~~ 61. "THC" means tetrahydrocannabinol, which is the primary  
5 psychotropic cannabinoid in marijuana formed by decarboxylation of  
6 naturally tetrahydrocannabinolic acid, which generally occurs by  
7 exposure to heat;

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

17       ~~65.~~ 62. "Transporter agent" means a person who transports  
18 medical marijuana or medical marijuana products for a licensed  
19 transporter and holds a transporter agent license pursuant to this  
20 act;

21       ~~66.~~ 63. "Universal symbol" means the image established by the  
22 State Department of Health or Oklahoma Medical Marijuana Authority  
23 and made available to licensees through its website indicating that  
24 the medical marijuana or the medical marijuana product contains THC;

1       ~~67.~~ 64. "Usable marijuana" means the dried leaves, flowers,  
2 oils, vapors, waxes and other portions of the marijuana plant and  
3 any mixture or preparation thereof, excluding ~~seed~~ seeds, roots and  
4 stalks; and

5       ~~68.~~ 65. "Water-based medical marijuana concentrate" means a  
6 concentrate that was produced by extracting cannabinoids from  
7 medical marijuana through the use of only water, ice, or dry ice.

8       SECTION 8.       AMENDATORY       Section 3, Chapter 11, O.S.L.  
9 2019, as amended by Section 6, Chapter 477, O.S.L. 2019 (63 O.S.  
10 Supp. 2019, Section 427.3), is amended to read as follows:

11       Section 427.3. A. There is hereby created the Oklahoma Medical  
12 Marijuana Authority within the State Department of Health which  
13 shall address issues related to the medical marijuana program in  
14 Oklahoma including, but not limited to, the issuance of patient  
15 licenses and medical marijuana business licenses, and the  
16 dispensing, cultivating, processing, testing, transporting, storage,  
17 research, and the use of and sale of medical marijuana pursuant to  
18 this act.

19       B. The Department shall provide support staff to perform  
20 designated duties of the Authority. The Department shall also  
21 provide office space for meetings of the Authority.

22       C. The Department shall implement the provisions of this act  
23 consistently with the voter-approved State Question No. 788,  
24 Initiative Petition No. 412, subject to the provisions of this act.

1 D. The Department shall exercise its respective powers and  
2 perform its respective duties and functions as specified in this act  
3 and ~~Title 63 of the Oklahoma Statutes~~ this title including, but not  
4 limited to, the following:

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

- 9 a. public health policy and public safety policy,
- 10 b. agronomic and horticultural best practices, and
- 11 c. medical and pharmacopoeia best practices;

12 2. Contract with third-party vendors and other governmental  
13 entities in order to carry out the respective duties and functions  
14 as specified in this act;

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

19 4. Issue subpoenas for the appearance or production of persons,  
20 records and things in connection with disciplinary or contested  
21 cases considered by the Department;

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

1           6. Inspect and examine, ~~with notice provided in accordance with~~  
2 ~~this act,~~ all licensed premises of medical marijuana businesses,  
3 research facilities ~~and,~~ education facilities and waste disposal  
4 facilities in which medical marijuana is cultivated, manufactured,  
5 sold, stored, transported, tested ~~or,~~ distributed or disposed;

6           7. Upon action by the federal government by which the  
7 production, sale and use of marijuana in Oklahoma does not violate  
8 federal law, work with the Oklahoma State Banking Department and the  
9 State Treasurer to develop good practices and standards for banking  
10 and finance for medical marijuana businesses;

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

13           9. Establish a fee schedule and collect fees for performing  
14 background checks as the Commissioner deems appropriate. The fees  
15 charged pursuant to this paragraph shall not exceed the actual cost  
16 incurred for each background check; and

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

20           SECTION 9.           AMENDATORY           Section 4, Chapter 11, O.S.L. 2019  
21 (63 O.S. Supp. 2019, Section 427.4), is amended to read as follows:

22           Section 427.4. A. The Oklahoma Medical Marijuana Authority, in  
23 conjunction with the State Department of Health, shall employ an  
24

1 Executive Director and other personnel as necessary to assist the  
2 Authority in carrying out its duties.

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

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

7 2. The individual or his or her spouse, parent, child, spouse  
8 of a child, sibling, or spouse of a sibling has an application for a  
9 medical marijuana business license pending before the Department or  
10 is a member of the board of directors of a medical marijuana  
11 business, or is an individual financially interested in any licensee  
12 or medical marijuana business.

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

16 D. The Commissioner may delegate to any officer or employee of  
17 the Department any of the powers of the Executive Director and may  
18 designate any officer or employee of the Department to perform any  
19 of the duties of the Executive Director.

20 E. The Executive Director shall be authorized to suggest rules  
21 governing the oversight and implementation of this act.

22 F. The Department is hereby authorized to create employment  
23 positions necessary for the implementation of its obligations  
24 pursuant to this act, including but not limited to Authority

1 investigators and a senior director of enforcement. The Department  
2 and the Authority, the senior director of enforcement, the Executive  
3 Director, and Department investigators shall have all the powers of  
4 any peace officer to:

5 1. Investigate violations or suspected violations of this act  
6 and any rules promulgated pursuant thereto;

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

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

14 4. ~~Require~~ As provided in Section 427.6 of this title, require  
15 any business applicant or licensee, ~~upon twenty-four (24) hours~~  
16 ~~notice or upon a showing of necessity,~~ to permit an inspection of  
17 licensed premises during business hours or at any time of apparent  
18 operation, marijuana equipment, and marijuana accessories, or books  
19 and records; and to permit the testing of or examination of medical  
20 marijuana, concentrate, or product; and

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

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

3 SECTION 10. AMENDATORY Section 6, Chapter 11, O.S.L.  
4 2019, as amended by Section 7, Chapter 477, O.S.L. 2019 (63 O.S.  
5 Supp. 2019, Section 427.6), is amended to read as follows:

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

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

20 2. ~~Inspections~~ Post-licensure inspections shall be limited to  
21 twice per calendar year and twenty-four (24) hours of notice shall  
22 be provided to a medical marijuana business applicant or licensee  
23 prior to an on-site assessment. However, investigations and  
24 additional inspections may occur without notice when the Department

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

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

24



1 ~~representation during such questioning if requested by the business~~  
2 ~~or facility or any of its agents or employees or contractors.~~

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

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

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

13 E. Disciplinary actions may be imposed upon a medical marijuana  
14 business licensee for:

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

17 2. Falsification or misrepresentation of any material or  
18 information submitted to the Department;

19 3. Failing to allow or impeding ~~a monitoring visit~~ entry by  
20 authorized representatives of the Department;

21 4. Failure to adhere to any acknowledgement, verification or  
22 other representation made to the Department;

23

24

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

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

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

8 8. Failure to pay a required monetary penalty;

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

11 10. Threatening or harming a patient, a medical practitioner or  
12 an employee of the Department; and

13 11. Any other basis indicating a violation of the applicable  
14 laws and regulations as identified by the Department.

15 F. Disciplinary actions against a licensee may include the  
16 imposition of monetary penalties, which may be assessed by the  
17 Department.

18 G. Penalties for sales or purchases by a medical marijuana  
19 business to persons other than those allowed by law occurring within  
20 any two-year time period may include an initial fine of up to One  
21 Thousand Dollars (\$1,000.00) for a first violation and a fine of up  
22 to Five Thousand Dollars (\$5,000.00) for any subsequent violation.  
23 Penalties for grossly inaccurate or fraudulent reporting occurring  
24 within any two-year time period may include an initial fine of One

1 Thousand Dollars (\$1,000.00) for a first violation and a fine of  
2 Five Thousand Dollars (\$5,000.00) for any subsequent violations.

3 The medical marijuana business may be subject to a revocation of any  
4 license granted pursuant to ~~this act~~ the Oklahoma Medical Marijuana  
5 and Patient Protection Act upon a showing that the violation was  
6 willful or grossly negligent.

7 H. 1. First offense for intentional and impermissible  
8 diversion of medical marijuana, concentrate~~r~~ or products by a  
9 patient or caregiver to an unauthorized person shall not be punished  
10 under a criminal statute but may be subject to a fine of Two Hundred  
11 Dollars (\$200.00).

12 2. The second offense for impermissible diversion of medical  
13 marijuana, concentrate~~r~~ or products by a patient or caregiver to an  
14 unauthorized person shall not be punished under a criminal statute  
15 but may be subject to a fine of not to exceed Five Hundred Dollars  
16 (\$500.00) and may result in revocation of the license upon a showing  
17 that the violation was willful or grossly negligent.

18 I. The following persons or entities may request a hearing to  
19 contest an action or proposed action of the Department:

20 1. A medical marijuana business, research facility or education  
21 facility licensee whose license has been summarily suspended or who  
22 has received a notice of contemplated action to suspend or revoke a  
23 license or take other disciplinary action; and

24

1           2. A patient or caregiver licensee whose license has been  
2 summarily suspended or who has received notice of contemplated  
3 action to suspend or revoke a license or take other disciplinary  
4 action.

5           J. Whenever the Department finds, upon clear and convincing  
6 evidence, that an emergency exists requiring immediate action in  
7 order to protect the public health or welfare, the Department may  
8 issue an order, without notice or hearing, stating the existence of  
9 the emergency and requiring that action be taken as the Department  
10 deems necessary to meet the emergency. The order shall be effective  
11 immediately upon issuance. Any person to whom the order is directed  
12 shall comply immediately with the provisions of the order but shall  
13 be offered a hearing within ten (10) days of the issuance of the  
14 order. On the basis of the hearing, the Department shall continue  
15 the order in effect, revoke or modify the order.

16           K. All hearings held pursuant to this section shall be in  
17 accordance with the Oklahoma Administrative Procedures Act, ~~Section~~  
18 ~~250 et seq. of Title 75 of the Oklahoma Statutes.~~

19           SECTION 11.           AMENDATORY           Section 7, Chapter 11, O.S.L.  
20 2019, as amended by Section 5, Chapter 509, O.S.L. 2019 (63 O.S.  
21 Supp. 2019, Section 427.7), is amended to read as follows:

22           Section 427.7. A. The Oklahoma Medical Marijuana Authority  
23 shall create a medical marijuana use registry of patients and  
24 caregivers as provided under this section. The handling of any

1 records maintained in the registry shall comply with all ~~relevant~~  
2 applicable state and federal privacy laws ~~including, but not limited~~  
3 ~~to, the Health Insurance Portability and Accountability Act of 1996~~  
4 ~~(HIPAA)~~.

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

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

9 2. Any court in this state.

10 C. All other records regarding a medical marijuana patient  
11 licensee shall be maintained by the Authority and shall be deemed  
12 confidential. The handling of any records maintained by the  
13 Authority shall comply with all ~~relevant~~ applicable state and  
14 federal privacy laws ~~including, but not limited to, the Health~~  
15 ~~Insurance Portability and Accountability Act of 1996 (HIPAA)~~. Such  
16 records shall be marked as confidential, shall not be made available  
17 to the public, and shall only be made available to the licensee,  
18 designee of the licensee, any physician of the licensee or the  
19 caregiver of the licensee.

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

23 E. The Department shall ensure that all ~~application~~ medical  
24 marijuana patient and caregiver records and information are sealed

1 to protect the privacy of medical marijuana patient license  
2 applicants and licensees.

3 SECTION 12. AMENDATORY Section 9, Chapter 11, O.S.L.  
4 2019 (63 O.S. Supp. 2019, Section 427.9), is amended to read as  
5 follows:

6 Section 427.9. A. The Authority may contact the recommending  
7 physician of a licensee or an applicant for a medical marijuana  
8 patient license to verify the need of the applicant or licensee for  
9 the license and the information submitted with the application.

10 B. An applicant for a medical marijuana patient license who can  
11 demonstrate his or her status as a one-hundred-percent-disabled  
12 veteran as determined by the U.S. Department of Veterans Affairs and  
13 codified at 38 C.F.R., Section 3.340(a) (2013) shall pay a reduced  
14 biannual application fee of Twenty Dollars (\$20.00). The methods of  
15 payment, as determined by the Authority, shall be provided on the  
16 website. However, the Authority shall ensure that all applicants  
17 have an option to submit the license application and payment by  
18 means other than solely by submission of the application and fee  
19 online.

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

24

1 SECTION 13. AMENDATORY Section 10, Chapter 11, O.S.L.  
2 2019, as amended by Section 2, Chapter 390, O.S.L. 2019 (63 O.S.  
3 Supp. 2019, Section 427.10), is amended to read as follows:

4 Section 427.10. A. Only licensed Oklahoma allopathic,  
5 osteopathic and podiatric physicians may provide a medical marijuana  
6 recommendation for a medical marijuana patient license under this  
7 act.

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

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

1 the medical condition of a patient or for otherwise violating the  
2 applicable physician-patient standard of care.

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

5 E. If the physician determines the continued use of medical  
6 marijuana by the patient no longer meets the requirements set forth  
7 in ~~this act~~ the Oklahoma Medical Marijuana and Patient Protection  
8 Act, the physician shall notify the Department and the ~~Authority~~  
9 ~~shall immediately revoke the license~~ Department shall notify the  
10 patient of the revocation and provide the patient thirty (30) days  
11 to submit a new recommendation. If the patient fails to supply the  
12 Department with a new doctor recommendation within thirty (30) days,  
13 the patient license shall be immediately voided without a right to  
14 an individual hearing.

15 SECTION 14. AMENDATORY Section 11, Chapter 11, O.S.L.  
16 2019 (63 O.S. Supp. 2019, Section 427.11), is amended to read as  
17 follows:

18 Section 427.11. A. The caregiver license shall provide the  
19 caregiver the same rights as the medical marijuana patient licensee,  
20 including the ability to possess marijuana, marijuana products, and  
21 mature and immature plants pursuant to ~~this act~~ the Oklahoma Medical  
22 Marijuana and Patient Protection Act, but excluding the ability to  
23 use marijuana or marijuana products unless the caregiver has a  
24 medical marijuana patient license. Caregivers shall be authorized



1 to deliver marijuana and products to their authorized patients.  
2 Caregivers shall be authorized to possess medical marijuana and  
3 medical marijuana products up to the sum of the possession limits  
4 for the patients under his or her care pursuant to ~~this act~~ the  
5 Oklahoma Medical Marijuana and Patient Protection Act.

6 B. An individual caregiver shall be limited to exercising the  
7 marijuana cultivation rights of no more than five licensed patients  
8 as prescribed by ~~this act~~ the Oklahoma Medical Marijuana and Patient  
9 Protection Act.

10 C. The license of a caregiver shall not extend beyond the  
11 expiration date of the underlying patient license regardless of the  
12 issue date.

13 D. A medical marijuana patient licensee may request, at any  
14 time, to withdraw his or her caregiver license. In the event that  
15 such a request is made or upon the expiration of the license of the  
16 patient, the caregiver license shall be immediately withdrawn by the  
17 Department without a right to a hearing.

18 SECTION 15. AMENDATORY Section 13, Chapter 11, O.S.L.  
19 2019 (63 O.S. Supp. 2019, Section 427.13), is amended to read as  
20 follows:

21 Section 427.13. A. All medical marijuana and medical marijuana  
22 products shall be purchased solely from an Oklahoma-licensed medical  
23 marijuana business, and shall not be purchased from any out-of-state  
24 providers.

1 B. 1. The Authority shall have oversight and auditing  
2 responsibilities to ensure that all marijuana being grown in  
3 Oklahoma is accounted for and shall implement an inventory tracking  
4 system. Pursuant to these duties, the Authority shall require that  
5 each medical marijuana business, research facility, education  
6 facility and waste disposal facility keep records for every  
7 transaction with another medical marijuana business, patient or  
8 caregiver. Inventory shall be tracked and updated after each  
9 individual sale and reported to the Authority.

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

- 13 a. notification of when marijuana seeds are planted,
- 14 b. notification of when marijuana plants are harvested  
15 and destroyed,
- 16 c. notification of when marijuana is transported, sold,  
17 stolen, diverted or lost,
- 18 d. a complete inventory of all marijuana, seeds, plant  
19 tissue, clones, plants, usable marijuana or trim,  
20 leaves and other plant matter, batches of extract, and  
21 marijuana concentrates,
- 22 e. all samples sent to a testing laboratory, an unused  
23 portion of a sample returned to a licensee, all  
24

1 samples utilized by licensee for purposes of  
2 negotiating a sale, and

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

4 3. Each medical marijuana business, research facility,  
5 education facility and waste disposal facility shall develop written  
6 standard operating procedures outlining the full operation of the  
7 business as prescribed by the Department and shall use a seed-to-  
8 sale tracking system or integrate its own seed-to-sale tracking  
9 system with the seed-to-sale tracking system established by the  
10 Authority.

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

13 a. the name and license number of the medical marijuana  
14 business that cultivated, manufactured or sold the  
15 medical marijuana or medical marijuana product,

16 b. the address and phone number of the medical marijuana  
17 business that cultivated, manufactured or sold the  
18 medical marijuana or medical marijuana product,

19 c. the type of product received during the transaction,

20 d. the batch number of the marijuana plant used,

21 e. the date of the transaction,

22 f. the total spent in dollars,

23 g. all point-of-sale records,

24 h. marijuana excise tax records, and

1 i. any additional information as may be reasonably  
2 required by the Department.

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

8 SECTION 16. AMENDATORY Section 14, Chapter 11, O.S.L.  
9 2019, as amended by Section 6, Chapter 509, O.S.L. 2019 (63 O.S.  
10 Supp. 2019, Section 427.14), is amended to read as follows:

11 Section 427.14. A. There is hereby created the medical  
12 marijuana business license, which shall include the following  
13 categories:

- 14 1. Medical marijuana commercial grower;
- 15 2. Medical marijuana processor;
- 16 3. Medical marijuana dispensary;
- 17 4. Medical marijuana transporter; and
- 18 5. Medical marijuana testing laboratory.

19 B. The Authority, with the aid of the Office of Management and  
20 Enterprise Services, shall develop a website for medical marijuana  
21 business applications.

22 C. The Authority shall make available on its website or the  
23 website of the Oklahoma Medical Marijuana Authority in an easy-to-  
24 find location, applications for a medical marijuana business.

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

4 E. All applicants seeking licensure or licensure renewal as a  
5 medical marijuana business shall comply with the following general  
6 requirements:

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

10 2. Each application shall identify the city or county in which  
11 the applicant seeks to obtain licensure as a medical marijuana  
12 business;

13 3. Applicants shall submit a complete application to the  
14 Department before the application may be accepted or considered;

15 4. All applications shall be complete and accurate in every  
16 detail;

17 5. All applications shall include all attachments or  
18 supplemental information required by the forms supplied by the  
19 Authority;

20 6. All applications shall be accompanied by a full remittance  
21 for the whole amount of the application fees. Application fees,  
22 unless otherwise prescribed by the Department, are nonrefundable;

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

- 1 a. all applicants shall be ~~age~~ twenty-five (25) years of  
2 age or older,
- 3 b. any applicant applying as an individual shall show  
4 proof that the applicant is an Oklahoma resident  
5 pursuant to paragraph 11 of this subsection,
- 6 c. any applicant applying as an entity shall show that  
7 seventy-five percent (75%) of all members, managers,  
8 executive officers, partners, board members or any  
9 other form of business ownership are Oklahoma  
10 residents pursuant to paragraph 11 of this subsection,
- 11 d. all applying ~~individuals or~~ entities shall be  
12 registered to conduct business in ~~the State of~~  
13 ~~Oklahoma~~ this state,
- 14 e. all applicants shall disclose all ownership interests  
15 pursuant to ~~this act~~ the Oklahoma Medical Marijuana  
16 and Patient Protection Act, and
- 17 f. medical marijuana business, research facility,  
18 education facility and waste disposal facility  
19 applicants and licensees shall not have been convicted  
20 of a nonviolent felony in the last two (2) years, and  
21 any other felony conviction within the last five (5)  
22 years, shall not be current inmates, or currently  
23 incarcerated in a jail or corrections facility;
- 24

1 8. There shall be no limit to the number of medical marijuana  
2 business licenses or categories that an individual or entity can  
3 apply for or receive, although each application and each category  
4 shall require a separate application and application fee. A  
5 commercial grower, processor and dispensary, or any combination  
6 thereof, are authorized to share the same address or physical  
7 location, subject to the restrictions set forth in ~~this act~~ the  
8 Oklahoma Medical Marijuana and Patient Protection Act;

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

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

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

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

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

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

18 Applicants who were issued a medical marijuana business license  
19 prior to August 30, 2019, applicants who submitted a complete  
20 medical marijuana business license application to the Authority  
21 prior to August 30, 2019, and were granted a medical marijuana  
22 business license after August 30, 2019, and medical marijuana  
23 testing laboratories that were licensed by the Oklahoma State Bureau  
24 of Narcotics and Dangerous Drugs Control prior to August 30, 2019,



1 are hereby exempt from the two-year or five-year Oklahoma residency  
2 requirement provided by this paragraph. Upon the effective date of  
3 this act, a transporter agent shall be exempt from the two-year or  
4 five-year Oklahoma residency requirement provided by this paragraph;

5 12. All license applicants shall be required to submit a  
6 registration with the Oklahoma State Bureau of Narcotics and  
7 Dangerous Drugs Control as provided in Sections ~~2-202~~ 2-302 through  
8 ~~2-204~~ 2-304 of ~~Title 63 of the Oklahoma Statutes~~ this title;

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

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

24 14. All applicants shall submit an applicant photograph.

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

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

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

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

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

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

6 H. A medical marijuana business, research facility, education  
7 facility or waste disposal facility license shall not be issued to  
8 or held by:

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

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

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

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

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

22 a. file taxes, interest or penalties due related to a  
23 medical marijuana business, or  
24

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

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

5           7.    A person whose authority to be a caregiver as defined in  
6 this act has been revoked by the Department; or

7           8.    A ~~publicly traded company~~ person who was involved in the  
8 management or operations of any medical marijuana business, research  
9 facility, education facility or waste disposal facility that has had  
10 a medical marijuana business license revoked by the Department at  
11 any time during the five (5) years preceding submission of the  
12 application.

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

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

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

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

21 M. All medical marijuana business, research facility, education  
22 facility and waste disposal facility licensees shall pay the  
23 relevant licensure fees prior to receiving licensure to operate a  
24

1 ~~medical marijuana business, as defined in this act for each class of~~  
2 ~~license.~~

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

10 O. No medical marijuana business, research facility, education  
11 facility or waste disposal facility shall operate without a valid,  
12 unexpired license issued by the Department.

13 SECTION 17. AMENDATORY Section 16, Chapter 11, O.S.L.  
14 2019 (63 O.S. Supp. 2019, Section 427.16), is amended to read as  
15 follows:

16 Section 427.16. A. There is hereby created a medical marijuana  
17 transporter license as a category of the medical marijuana business  
18 license.

19 B. Pursuant to Section 424 of ~~Title 63 of the Oklahoma Statutes~~  
20 this title, the Oklahoma Medical Marijuana Authority shall issue a  
21 medical marijuana transporter license to licensed medical marijuana  
22 commercial growers, processors and dispensaries upon issuance of  
23 such licenses and upon each renewal. Transporter licenses shall  
24 also be issued to licensed research facilities, education facilities

1 and testing laboratories upon issuance of such licenses and upon  
2 each renewal.

3 C. A medical marijuana transporter license may also be issued  
4 to qualifying applicants who are registered with the Oklahoma  
5 Secretary of State and otherwise meet the requirements for a medical  
6 marijuana business license set forth in ~~this act~~ the Oklahoma  
7 Medical Marijuana and Patient Protection Act and the requirements  
8 set forth in this section to provide logistics, distribution and  
9 storage of medical marijuana, medical marijuana concentrate and  
10 medical marijuana products.

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

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

22 1. A licensed medical marijuana business to another medical  
23 marijuana business;

24

1       2. A medical marijuana business to a medical marijuana research  
2 facility or medical marijuana education facility; or

3       3. A licensed medical marijuana dispensary to a patient, a  
4 parent or legal guardian of a patient or a caregiver who placed the  
5 order and who:

6           a. has a valid medical marijuana patient license, is the  
7           parent or legal guardian of a patient with a valid  
8           medical marijuana patient license or has a valid  
9           medical marijuana caregiver license, and

10          b. possesses a current, state-issued identification card.

11       F. 1. A medical marijuana transporter licensee may contract  
12 with multiple licensed medical marijuana businesses.

13       2. Beginning on a date determined by the State Commissioner of  
14 Health, but no later than one hundred eighty (180) days after the  
15 effective date of this act, a medical marijuana transporter licensee  
16 may deliver medical marijuana, medical marijuana concentrate and  
17 medical marijuana products to a licensed patient, the parent or  
18 legal guardian of a licensed patient or a licensed caregiver. A  
19 medical marijuana transporter shall be prohibited from delivering  
20 medical marijuana, medical marijuana concentrate or medical  
21 marijuana products more than once per day to the same patient,  
22 parent or legal guardian of the patient, caregiver or private  
23 residence. The State Commissioner of Health shall adopt rules  
24 governing delivery of medical marijuana. Such rules shall, at a



1 minimum, limit the amount of medical marijuana and medical marijuana  
2 products a delivery vehicle may transport to the amount of medical  
3 marijuana or medical marijuana products necessary to fulfill patient  
4 or caregiver orders placed prior to departure from the licensed  
5 premises.

6 3. When delivering medical marijuana, medical marijuana  
7 concentrate or medical marijuana products to a patient, parent or  
8 legal guardian of a patient or a caregiver, the medical marijuana  
9 transporter shall deliver such products only to the private  
10 residence of the patient, parent or legal guardian of the patient,  
11 or caregiver. A medical marijuana transporter shall deliver medical  
12 marijuana, medical marijuana concentrate or medical marijuana  
13 products only to a private residence located within a ten-mile  
14 radius of the dispensary from which the medical marijuana, medical  
15 marijuana concentrate or medical marijuana products were purchased.  
16 If no dispensary is located within a ten-mile radius of the private  
17 residence, the transporter may deliver from a dispensary outside of  
18 the ten-mile radius to the private residence if the dispensary is  
19 located in the same county as the private residence;

20 G. A medical marijuana transporter may maintain a licensed  
21 premises to temporarily store medical marijuana, medical marijuana  
22 concentrate and medical marijuana products and to use as a  
23 centralized distribution point. A medical marijuana transporter may  
24 store and distribute medical marijuana, medical marijuana

1 concentrate and medical marijuana products from the licensed  
2 premises. The licensed premises shall meet all security  
3 requirements applicable to a medical marijuana business.

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

10 I. A licensed medical marijuana transporter may maintain and  
11 operate one or more warehouses in the state to handle medical  
12 marijuana, concentrate and products.

13 J. All medical marijuana, medical marijuana concentrate and  
14 ~~product~~ medical marijuana products shall be transported:

15 ~~1. In vehicles equipped with Global Positioning System (GPS)~~  
16 ~~trackers;~~

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

19 ~~3. In a secured area of the vehicle that is not accessible by~~  
20 ~~the driver during transit~~  
21 in a manner prescribed by the Department.

22 K. 1. A transporter agent may possess marijuana at any  
23 location while the transporter agent is transferring marijuana to or  
24 from a licensed medical marijuana business, licensed medical

1 marijuana research facility ~~or~~, licensed medical marijuana education  
2 facility, licensed medical marijuana patient or licensed medical  
3 marijuana caregiver.

4 2. Prior to transferring possession of the medical marijuana,  
5 medical marijuana concentrate or medical marijuana products to a  
6 licensed patient, a parent or legal guardian of a licensed patient  
7 or a licensed caregiver, the transporter agent shall inspect the  
8 state-issued identification card of the patient, parent or legal  
9 guardian of the patient or caregiver, and the medical marijuana  
10 license of the patient or caregiver issued pursuant to Section 420  
11 of this title. The transporter agent shall verify that the  
12 information provided at the time of the order matches the name and  
13 age on the state-issued identification card of the patient, parent  
14 or legal guardian of the patient or caregiver.

15 3. The delivery of medical marijuana, medical marijuana  
16 concentrate or medical marijuana products to a public or private  
17 school, the campus of any institution of higher education or any  
18 other public property is hereby prohibited.

19 The Department shall administer and enforce the provisions of  
20 this section concerning transportation.

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

1 marijuana, medical marijuana concentrate, or ~~product~~ medical  
2 marijuana products.

3 M. The annual fee for a transporter agent license shall be ~~One~~  
4 ~~Hundred Dollars (\$100.00)~~ Twenty-five Dollars (\$25.00) and shall be  
5 paid by the transporter license holder or the individual applicant.  
6 One license reprint within the licensure period shall be granted  
7 free of charge. All subsequent license reprints shall incur a fee  
8 of Twenty Dollars (\$20.00).

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

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

21 O. If the transporter agent application is denied, the  
22 Department shall notify the transporter in writing of the reason for  
23 denying the registry identification card.

24

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

5 Q. The Department may revoke the registry identification card  
6 of a transporter agent who knowingly violates any provision of this  
7 section, and the transporter is subject to any other penalties  
8 established by law for the violation.

9 R. The Department may revoke or suspend the transporter license  
10 of a transporter that the Department determines knowingly aided or  
11 facilitated a violation of any provision of this section, and the  
12 licenseholder is subject to any other penalties established in law  
13 for the violation.

14 S. Vehicles used in the transport of medical marijuana, medical  
15 marijuana concentrate or medical marijuana ~~product~~ products shall  
16 be:

- 17 1. Insured at or above the legal requirements in Oklahoma;
- 18 2. Capable of securing medical marijuana, medical marijuana  
19 concentrate or medical marijuana products during transport; and
- 20 3. In possession of a shipping container as defined in this act  
21 capable of securing all transported ~~product~~ products.

22 T. Prior to the transport of any medical marijuana, medical  
23 marijuana concentrate or medical marijuana products, an inventory  
24 manifest shall be prepared at the origination point of the medical

1 marijuana. The inventory manifest shall include the following  
2 information:

- 3 1. For the origination point of the medical marijuana:
  - 4 a. the licensee number for the commercial grower,  
5 processor or dispensary,
  - 6 b. address of origination of transport, and
  - 7 c. name and contact information for the originating  
8 licensee;

9 2. For the end recipient license holder of the medical  
10 marijuana:

- 11 a. the license number for the patient, caregiver,  
12 dispensary, commercial grower, processor, research  
13 facility or education facility destination,
- 14 b. address of the destination, and
- 15 c. name and contact information for the destination  
16 licensee;

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

19 4. The date of the transport and the approximate time of  
20 departure;

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

22 6. Printed names and signatures of the personnel accompanying  
23 the transport; and

24 7. Notation of the transporting licensee.

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

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

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

10 ~~4.~~ A receiving licensee shall refuse to accept any medical  
11 marijuana, medical marijuana concentrate or medical marijuana  
12 product that is not accompanied by an inventory manifest.

13 ~~5.~~ 4. Originating and receiving licensees shall maintain copies  
14 of inventory manifests and logs of quantities of medical marijuana  
15 received for ~~three (3)~~ seven (7) years from date of receipt.

16 V. As used in this section, "private residence" means private  
17 premises where a person lives, such as a private dwelling place or  
18 place of habitation, and specifically excludes any premises located  
19 at a public or private school or on the campus of an institution of  
20 higher education.

21 SECTION 18. AMENDATORY Section 17, Chapter 11, O.S.L.  
22 2019, as amended by Section 4, Chapter 312, O.S.L. 2019 (63 O.S.  
23 Supp. 2019, Section 427.17), is amended to read as follows:  
24

1 Section 427.17. A. There is hereby created a medical marijuana  
2 testing laboratory license as a category of the medical marijuana  
3 business license. The Oklahoma Medical Marijuana Authority is  
4 hereby enabled to monitor, inspect and audit a licensed testing  
5 laboratory under ~~this act~~ the Oklahoma Medical Marijuana and Patient  
6 Protection Act.

7 B. The Authority is hereby authorized to contract with a  
8 private laboratory for the purpose of conducting compliance testing  
9 of medical marijuana testing laboratories licensed in this state.  
10 Any such laboratory under contract for compliance testing shall be  
11 prohibited from conducting any other commercial medical marijuana  
12 testing in this state.

13 C. The Authority shall have the authority to develop acceptable  
14 testing ~~and research~~ practices, including, but not limited to,  
15 testing, standards, quality control analysis, equipment  
16 certification and calibration, and chemical identification and  
17 substances used ~~in bona fide research methods so long as it complies~~  
18 ~~with this act~~.

19 D. A person who is a direct beneficial owner ~~or an indirect~~  
20 ~~beneficial owner~~ of a medical marijuana dispensary, medical  
21 marijuana commercial grower, or medical marijuana processor shall  
22 not be an owner of a laboratory.

23  
24



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

4 F. A separate license shall be required for each specific  
5 laboratory.

6 G. A medical marijuana testing laboratory license may be issued  
7 to a person who performs testing ~~and research~~ on medical marijuana  
8 and medical marijuana products for medical marijuana businesses,  
9 medical marijuana research facilities, medical marijuana education  
10 facilities, and testing ~~and research~~ on marijuana and marijuana  
11 products grown or produced by a patient or caregiver on behalf of a  
12 patient, upon verification of registration. No state-approved  
13 medical marijuana testing facility shall operate unless a medical  
14 laboratory director is on site during operational hours.

15 H. ~~A laboratory applicant~~ Laboratory applicants and licensees  
16 shall comply with the application requirements of this section and  
17 shall submit such other information as required for a medical  
18 marijuana business applicant, in addition to any information the  
19 Authority may request for initial approval and periodic evaluations  
20 during the approval period.

21 I. A medical marijuana testing laboratory may accept samples of  
22 medical marijuana, medical marijuana concentrate or medical  
23 marijuana product from a medical marijuana business, research  
24 facility or education facility for testing ~~and research~~ purposes

1 only, which purposes may include the provision of testing services  
2 for samples submitted by a medical marijuana business for product  
3 development. The Department may require a medical marijuana  
4 business to submit a sample of medical marijuana, medical marijuana  
5 concentrate or medical marijuana product to a medical marijuana  
6 testing or quality assurance laboratory upon demand.

7 J. A medical marijuana testing laboratory may accept samples of  
8 medical marijuana, medical marijuana concentrate or medical  
9 marijuana product from an individual person for testing only under  
10 the following conditions:

11 1. The individual person is a patient or caregiver pursuant to  
12 this act or is a participant in an approved clinical or  
13 observational study conducted by a research facility; and

14 2. The medical marijuana testing laboratory shall require the  
15 patient or caregiver to produce a valid patient license and current  
16 and valid photo identification.

17 K. A medical marijuana testing laboratory may transfer samples  
18 to another medical marijuana testing laboratory for testing. All  
19 laboratory reports provided to or by a medical marijuana business or  
20 to a patient or caregiver shall identify the medical marijuana  
21 testing laboratory that actually conducted the test.

22 L. A medical marijuana testing laboratory may utilize a  
23 licensed medical marijuana transporter to transport samples of  
24 medical marijuana, medical marijuana concentrate and medical

1 marijuana product for testing, in accordance with this act and the  
2 rules adopted pursuant thereto, between the originating medical  
3 marijuana business requesting testing services and the destination  
4 laboratory performing testing services.

5 M. The medical marijuana testing laboratory shall establish  
6 policies to prevent the existence of or appearance of undue  
7 commercial, financial or other influences that may diminish the  
8 competency, impartiality and integrity of the testing processes or  
9 results of the laboratory, or that may diminish public confidence in  
10 the competency, impartiality and integrity of the testing processes  
11 or results of the laboratory. At a minimum, employees, owners or  
12 agents of a medical marijuana testing laboratory who participate in  
13 any aspect of the analysis and results of a sample are prohibited  
14 from improperly influencing the testing process, improperly  
15 manipulating data, or improperly benefiting from any ongoing  
16 financial, employment, personal or business relationship with the  
17 medical marijuana business that provided the sample.

18 N. The Department, pursuant to rules promulgated by the State  
19 Commissioner of Health, shall develop standards, policies and  
20 procedures as necessary for:

21 1. The cleanliness and orderliness of a laboratory premises and  
22 the location of the laboratory in a secure location, and inspection,  
23 cleaning and maintenance of any equipment or utensils used for the  
24 analysis of test samples;

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

4           3. Controlled access areas for storage of medical marijuana and  
5 medical marijuana product test samples, waste and reference  
6 standards;

7           4. Records to be retained and computer systems to be utilized  
8 by the laboratory;

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

11           6. A certificate of analysis (COA) for each lot of reference  
12 standard;

13           7. The transport and disposal of unused marijuana, marijuana  
14 products and waste;

15           8. The mandatory use by a laboratory of an inventory tracking  
16 system to ensure all ~~test~~ harvest and production batches or samples  
17 containing medical marijuana, medical marijuana concentrate or  
18 medical marijuana products are identified and tracked from the point  
19 they are transferred from a medical marijuana business, a patient or  
20 a caregiver through the point of transfer, destruction or disposal.  
21 The inventory tracking system reporting shall include the results of  
22 any tests that are conducted on medical marijuana, medical marijuana  
23 concentrate or medical marijuana product;

24           9. Standards of performance;

- 1        10. The employment of laboratory personnel;
- 2        11. A written standard operating procedure manual to be  
3 maintained and updated by the laboratory;
- 4        12. The successful participation in a Department-approved  
5 proficiency testing program for each testing category listed in this  
6 section, in order to obtain and maintain certification;
- 7        13. The establishment of and adherence to a quality assurance  
8 and quality control program to ensure sufficient monitoring of  
9 laboratory processes and quality of results reported;
- 10       14. The establishment by the laboratory of a system to document  
11 the complete chain of custody for samples from receipt through  
12 disposal;
- 13       15. The establishment by the laboratory of a system to retain  
14 and maintain all required records, including business records, and  
15 processes to ensure results are reported in a timely and accurate  
16 manner; and
- 17       16. Any other aspect of laboratory testing of medical marijuana  
18 or medical marijuana product deemed necessary by the Department.
- 19       O. A medical marijuana testing laboratory shall promptly  
20 provide the Department or designee of the Department access to a  
21 report of a test and any underlying data that is conducted on a  
22 sample at the request of a medical marijuana business or qualified  
23 patient. A medical marijuana testing laboratory shall also provide  
24 access to the Department or designee of the Department to laboratory

1 premises and to any material or information requested by the  
2 Department to determine compliance with the requirements of this  
3 section.

4 P. A medical marijuana testing laboratory shall retain all  
5 results of laboratory tests conducted on marijuana or products for a  
6 period of at least ~~two (2)~~ seven (7) years and shall make them  
7 available to the Department upon request.

8 Q. A medical marijuana testing laboratory shall test samples  
9 from each harvest batch or product batch, as appropriate, of medical  
10 marijuana, medical marijuana concentrate and medical marijuana  
11 product for each of the following categories of testing, consistent  
12 with standards developed by the Commissioner:

- 13 1. Microbials;
- 14 2. Mycotoxins;
- 15 3. Residual solvents;
- 16 4. Pesticides;
- 17 5. Tetrahydrocannabinol (THC) and other cannabinoid potency;
- 18 6. Terpenoid potency; and
- 19 7. Heavy metals.

20 R. ~~A test batch shall not exceed ten (10) pounds of usable~~  
21 ~~marijuana or medical marijuana product, as appropriate.~~ A grower  
22 shall separate each harvest lot of usable marijuana into harvest  
23 batches containing no more than ten (10) pounds. A processor shall

24

1 separate each medical marijuana production lot into production  
2 batches containing no more than ten (10) pounds.

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

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

15 U. Beginning on a date determined by the Commissioner, not  
16 later than January 1, ~~2020~~ 2021, medical marijuana testing  
17 laboratory licensure shall be contingent upon accreditation by the  
18 NELAC Institute (TNI), ANSI/ASQ National Accreditation Board or  
19 another accrediting body approved by the Commissioner, and any  
20 applicable standards as determined by the Department.

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

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

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

13 3. Growers and processors who achieve process validation under  
14 the rules and regulations set forth by the Department may transfer,  
15 sell or process medical marijuana and medical marijuana products in  
16 accordance with those rules and regulations.

17 SECTION 19. AMENDATORY Section 18, Chapter 11, O.S.L.  
18 2019 (63 O.S. Supp. 2019, Section 427.18), is amended to read as  
19 follows:

20 Section 427.18. A. An Oklahoma medical marijuana business  
21 shall not sell, transfer or otherwise distribute medical marijuana  
22 or medical marijuana product that has not been packaged and labeled  
23 in accordance with this section and rules promulgated by the State  
24 Commissioner of Health.



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

10 C. 1. Medical marijuana packaging shall be packaged to  
11 minimize its appeal to children and shall not depict images other  
12 than the business name logo of the medical marijuana producer and  
13 image of the product.

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

18 3. Labels on a container shall not include any false or  
19 misleading statements.

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

1 5. The label on the container shall not make any claims  
2 regarding health or physical benefits to the patient.

3 6. All medical marijuana, medical marijuana concentrate and  
4 medical marijuana products sold at a medical marijuana dispensary  
5 shall be packaged in a child-resistant container ~~at the point of~~  
6 ~~transfer to the patient or caregiver.~~

7 D. The State Department of Health shall develop minimum  
8 standards for packaging and labeling of medical marijuana and  
9 medical marijuana products. Such standards shall include, but not  
10 be limited to, the required contents of labels to be affixed to all  
11 medical marijuana and medical marijuana products prior to transfer  
12 to a licensed patient or caregiver, which shall include, at a  
13 minimum:

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

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

17 ~~3.~~ 2. A statement indicating that the product has been tested  
18 for contaminants;

19 ~~4.~~ 3. One or more product warnings to be determined by the  
20 Department; and

21 ~~5.~~ 4. Any other information the Department deems necessary.

22 SECTION 20. AMENDATORY Section 19, Chapter 11, O.S.L.  
23 2019 (63 O.S. Supp. 2019, Section 427.19), is amended to read as  
24 follows:

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

6 B. The annual fee for a medical marijuana research license  
7 shall be Five Hundred Dollars (\$500.00) and shall be payable by an  
8 applicant for a medical marijuana research license upon submission  
9 of his or her application to the Authority.

10 C. A medical marijuana research license may be issued for the  
11 following research purposes:

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

21 D. 1. As part of the application process for a medical  
22 marijuana research license, an applicant shall submit to the  
23 Authority a description of the research that the applicant intends  
24 to conduct and whether the research will be conducted with a public

1 institution or using public money. If the research will not be  
2 conducted with a public institution or with public money, the  
3 Authority shall grant the application if it determines that the  
4 applicant meets the criteria in this section.

5 2. If the research will be conducted with a public institution  
6 or public money, the Department shall review the research project of  
7 the applicant to determine if it meets the requirements of this  
8 section and to assess the following:

9 a. the quality, study design, value or impact of the  
10 project,

11 b. whether the applicant has the appropriate personnel,  
12 expertise, facilities, infrastructure, funding and  
13 human, animal or other approvals in place to  
14 successfully conduct the project, and

15 c. whether the amount of marijuana to be grown by the  
16 applicant is consistent with the scope and goals of  
17 the project.

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

21 E. A medical marijuana research licensee may only transfer, by  
22 sale or donation, marijuana grown within its operation to other  
23 medical marijuana research licensees. The Department may revoke a  
24 medical marijuana research license for violations of this section

1 and any other violation of ~~this act~~ the Oklahoma Medical Marijuana  
2 and Patient Protection Act.

3 F. A medical marijuana research licensee may contract to  
4 perform research in conjunction with a public higher education  
5 research institution or another medical marijuana research licensee.

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

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

21 SECTION 21. AMENDATORY Section 20, Chapter 11, O.S.L.  
22 2019 (63 O.S. Supp. 2019, Section 427.20), is amended to read as  
23 follows:  
24

1 Section 427.20. A. There is hereby created a medical marijuana  
2 education facility license.

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

6 C. A medical marijuana education facility license may only be  
7 granted to a not-for-profit organization structured under Section  
8 501(c)(3) of the Internal Revenue Code, operating as an Oklahoma  
9 not-for-profit registered organization with the Office of the  
10 Secretary of State.

11 D. A medical marijuana education facility license may only be  
12 granted upon the submission of ~~a~~ an annual fee of Five Hundred  
13 Dollars (\$500.00) to the Authority.

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

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

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

20 3. To demonstrate the application and use of product  
21 manufacturing technologies;

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

24

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

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

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

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

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

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

23 G. A medical marijuana education facility licensee may only  
24 transfer, by sale or donation, marijuana grown within its operation

1 to medical marijuana research licensees. The Department may revoke  
2 a medical marijuana education facility license for violations of  
3 this section and any other violation of ~~this act~~ applicable laws,  
4 rules and regulations.

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

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

18 SECTION 22. AMENDATORY Section 22, Chapter 11, O.S.L.  
19 2019 (63 O.S. Supp. 2019, Section 427.22), is amended to read as  
20 follows:

21 Section 427.22. A. ~~An~~ All patient and caregiver records and  
22 information, including, without limitation, an application or  
23 renewal and supporting information submitted by a qualifying patient  
24 or designated caregiver under the provisions of ~~this act including,~~



1 ~~without limitation,~~ the Oklahoma Medical Marijuana and Patient  
2 Protection Act and information regarding the physician of the  
3 qualifying patient, shall be considered confidential medical records  
4 that are exempt from the Oklahoma Open Records Act.

5 B. The dispensary records with patient information shall be  
6 treated as confidential records that are exempt from the Oklahoma  
7 Open Records Act.

8 C. All financial information provided by an applicant in its  
9 application to the Authority or licensee shall be treated as  
10 confidential records that are exempt from the Oklahoma Open Records  
11 Act.

12 D. All information provided by an applicant or licensee that  
13 constitutes private business information shall be treated as  
14 confidential records that are exempt from the Oklahoma Open Records  
15 Act.

16 E. As used in this section, "private business information"  
17 means information that, if disclosed, would give advantage to  
18 competitors or bidders including, but not limited to, information  
19 related to the planning, ~~site location,~~ operations, strategy, or  
20 product development and marketing of an applicant, unless approval  
21 for release of those records is granted by the business.

22 F. All monthly reports, inventory tracking and seed-to-sale  
23 information, data and records submitted to the Oklahoma Medical  
24

1 Marijuana Authority shall be treated as confidential and are exempt  
2 from the Oklahoma Open Records Act.

3 G. Except for license information concerning licensed patients,  
4 the Authority may share confidential information with the Oklahoma  
5 Tax Commission to assist the Oklahoma Tax Commission in ensuring  
6 compliance with applicable laws, rules and regulations.

7 SECTION 23. AMENDATORY Section 23, Chapter 11, O.S.L.  
8 2019, as amended by Section 11, Chapter 477, O.S.L. 2019 (63 O.S.  
9 Supp. 2019, Section 427.23), is amended to read as follows:

10 Section 427.23. A. The State Commissioner of Health, the  
11 Oklahoma Tax Commission, the State Treasurer, the Secretary of State  
12 and the Director of the Office of Management and Enterprise Services  
13 shall promulgate rules to implement the provisions of ~~this act~~ the  
14 Oklahoma Medical Marijuana and Patient Protection Act.

15 B. ~~The Food Safety Standards Board~~ Medical Marijuana Advisory  
16 Council, in addition to the powers and duties granted in Section 423  
17 of ~~Title 63 of the Oklahoma Statutes~~ this title, may recommend to  
18 the State Commissioner of Health rules relating to all aspects ~~of~~  
19 regarding the safe cultivation and ~~manufacture~~ manufacturing of  
20 medical marijuana products. In addition to the twelve members  
21 required in Section 423 of this title, the State Department of  
22 Health may appoint up to eight additional members. The makeup of  
23 the Medical Marijuana Advisory Council shall include medical  
24 marijuana industry representation.

1 SECTION 24. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 427.24 of Title 63, unless there  
3 is created a duplication in numbering, reads as follows:

4 A. Whenever an authorized agent of the State Department of  
5 Health finds, in whole or in part, that:

6 1. Any medical marijuana or medical marijuana product fails to  
7 meet the requirements of Sections 420 through 426.1 of Title 63 of  
8 the Oklahoma Statutes and the Oklahoma Medical Marijuana and Patient  
9 Protection Act, as it relates to health and safety;

10 2. The medical marijuana or medical marijuana product is  
11 handled in violation of applicable laws or rules and regulations of  
12 the Department; or

13 3. The medical marijuana or medical marijuana product may be  
14 poisonous, deleterious to health or is otherwise unsafe:

15 A tag or other appropriate marking shall be affixed to the  
16 medical marijuana or medical marijuana product. The tag or other  
17 appropriate marking shall give notice that the medical marijuana or  
18 medical marijuana product is or is suspected of being manufactured,  
19 produced, transferred, sold or offered for sale in violation of  
20 applicable laws or rules and regulations of the Department. The tag  
21 or other appropriate marking shall also give notice that the medical  
22 marijuana or medical marijuana product is embargoed and shall  
23 provide a warning that all persons shall be prohibited from removing  
24 or disposing of the medical marijuana or medical marijuana product

1 until permission for removal or disposal is given by the State  
2 Commissioner of Health. It shall be unlawful for any person to  
3 remove or dispose of the embargoed medical marijuana or medical  
4 marijuana product without permission.

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

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

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

22 C. If the court finds that the embargoed medical marijuana or  
23 medical marijuana product, in whole or in part, is in violation of  
24 any applicable laws or Department rules or regulations or is

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

10 1. The violation can be corrected by proper processing of the  
11 medical marijuana or medical marijuana product;

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

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

15 The expense of supervision shall be paid to the Commissioner by the  
16 person obtaining release of the medical marijuana or medical  
17 marijuana product under bond.

18 SECTION 25. AMENDATORY Section 2, Chapter 337, O.S.L.  
19 2019 (63 O.S. Supp. 2019, Section 428.1), is amended to read as  
20 follows:

21 Section 428.1. As used in ~~this act~~ the Oklahoma Medical  
22 Marijuana Waste Management Act:

23 1. "Authority" shall mean the Oklahoma Medical Marijuana  
24 Authority, or successor agency;

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

4        3. "Disposal" shall mean the ~~final~~ disposition of medical  
5 marijuana waste by ~~either~~ a process which renders the waste unusable  
6 and unrecognizable through physical destruction or a recycling  
7 process;

8        4. "Facility" shall mean ~~a location~~ the licensed or permitted  
9 premises where the disposal of medical marijuana waste takes place  
10 by a licensee;

11       5. "License" shall mean a medical marijuana waste disposal  
12 license;

13       6. "Licensee" shall mean the holder of a medical marijuana  
14 waste disposal license;

15       7. "Medical marijuana waste" shall mean:

16        a.    unused, surplus, returned or out-of-date marijuana and  
17            plant debris of the plant of the genus Cannabis,  
18            including dead plants and all unused plant parts,  
19            except the term shall not include seeds, roots, stems,  
20            stalks and fan leaves,

21        b.    all product which is deemed to fail laboratory testing  
22            and cannot be remediated, and

23        c.    all product and inventory from commercial licensees,  
24            medical marijuana research facilities and medical

1           marijuana education facilities that have gone out of  
2           business and are not subject to the provisions of  
3           Section 1560 of Title 12 of the Oklahoma Statutes; and

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

7           SECTION 26.        AMENDATORY        Section 3, Chapter 337, O.S.L.  
8 2019 (63 O.S. Supp. 2019, Section 429), is amended to read as  
9 follows:

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

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

- 23           1. ~~Root balls~~ Roots;
- 24           2. Stems;

1 3. Fan leaves; ~~and~~

2 4. Seeds; and

3 5. Stalks.

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

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



1 SECTION 27. AMENDATORY Section 4, Chapter 337, O.S.L.  
2 2019 (63 O.S. Supp. 2019, Section 430), is amended to read as  
3 follows:

4 Section 430. A. There is hereby created and authorized a  
5 medical marijuana waste disposal license. A person or entity in  
6 possession of a medical marijuana waste disposal license shall be  
7 entitled to possess, transport and dispose of medical marijuana  
8 waste. No person or entity shall possess, transport or dispose of  
9 medical marijuana waste without a valid medical marijuana waste  
10 disposal license. The Oklahoma Medical Marijuana Authority shall  
11 issue licenses upon proper application by a licensee and  
12 determination by the Authority that the proposed site and facility  
13 are physically and technically suitable. Upon a finding that a  
14 proposed medical marijuana waste disposal facility is not physically  
15 or technically suitable, the Authority shall deny the license. The  
16 Authority may, upon determining that public health or safety  
17 requires emergency action, issue a temporary license for treatment  
18 or storage of medical marijuana waste for a period not to exceed  
19 ninety (90) days. The Authority shall not, ~~for the first year of~~  
20 ~~the licensure program~~ until November 1, 2020, issue more than ten  
21 licenses. ~~Upon the conclusion of the first year, the Authority~~  
22 ~~shall assess the need for additional licenses and shall, if~~  
23 ~~demonstrated, increase~~ Beginning November 1, 2020, there shall be no  
24

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

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

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

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

9 b. full name of the organization,

10 c. trade name, if applicable,

11 d. type of business organization,

12 e. complete mailing address,

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

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

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

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

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

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

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

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

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

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

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

1 ~~for a period of five (5) years after the date of last operation of~~  
2 ~~the facility.~~

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

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

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

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

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

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

24

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

5 SECTION 28. It being immediately necessary for the preservation  
6 of the public peace, health or safety, an emergency is hereby  
7 declared to exist, by reason whereof this act shall take effect and  
8 be in full force from and after its passage and approval.”

9  
10 Passed the Senate the 15th day of May, 2020.

11  
12 \_\_\_\_\_  
13 Presiding Officer of the Senate

14 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
15 2020.

16  
17 \_\_\_\_\_  
18 Presiding Officer of the House  
19 of Representatives

1 ENGROSSED HOUSE  
2 BILL NO. 3228

By: Echols of the House

and

Standridge of the Senate

3  
4  
5  
6 An Act relating to medical marijuana; amending  
7 Section 1, State Question No. 788, Initiative  
8 Petition No. 412, as last amended by Section 2,  
9 Chapter 509, O.S.L. 2019 (63 O.S. Supp. 2019, Section  
10 420), which relates to medical marijuana patient and  
11 caregiver licensing requirements; specifying biannual  
12 payment of application fees for patient licenses;  
13 authorizing the State Department of Health to deny  
14 patient license applications; removing recordkeeping  
15 requirement related to approved medical marijuana  
16 licenses; clarifying types of records and information  
17 the Department must seal for privacy; providing for  
18 the assessment of late renewal fees for patients  
19 attempting to renew licenses after expiration; making  
20 renewal fees nonrefundable; prohibiting reinstatement  
21 of certain expired licenses; amending Section 2,  
22 State Question No. 788, Initiative Petition No. 412  
23 (63 O.S. Supp. 2019, Section 421), which relates to  
24 dispensary licensing requirements; increasing time  
limitation for reviewing medical marijuana dispensary  
license applications; authorizing the Department to  
deny dispensary license applications; deleting  
penalties for gross discrepancy and fraudulent  
reporting and fraudulent sales; amending Section 3,  
State Question No. 788, Initiative Petition No. 412  
(63 O.S. Supp. 2019, Section 422), which relates to  
commercial grower licensing requirements; increasing  
time limitation for reviewing medical marijuana  
commercial grower license applications; authorizing  
the Department to deny commercial grower license  
applications; authorizing commercial growers to  
package and sell pre-rolled cigarettes; deleting  
penalties for gross discrepancy and fraudulent  
reporting and fraudulent sales; amending Section 4,  
State Question No. 788, Initiative Petition No. 412  
(63 O.S. Supp. 2019, Section 423), which relates to  
medical marijuana processor licensing requirements;



1 increasing time limitation for reviewing medical  
2 marijuana processing license applications;  
3 authorizing the Department to deny processing license  
4 applications; deleting penalties for gross  
5 discrepancy and fraudulent reporting; specifying  
6 entity that oversees inspection and compliance of  
7 processors; amending Section 6, State Question No.  
8 788, Initiative Petition No. 412, as amended by  
9 Section 3, Chapter 509, O.S.L. 2019 (63 O.S. Supp.  
10 2019, Section 425), which relates to protections for  
11 medical marijuana licensees; decreasing distance  
12 requirement between retail marijuana establishments  
13 and public and private schools; specifying manner by  
14 which distances between properties shall be measured;  
15 updating statutory citation; amending Section 4,  
16 Chapter 509, O.S.L. 2019 (63 O.S. Supp. 2019, Section  
17 426.1), which relates to licensure revocation and  
18 hearings; updating statutory citations; directing the  
19 Department to make list of marijuana-licensed  
20 premises available to state agencies; requiring  
21 marijuana-licensed premises and businesses to submit  
22 certain documentation when requesting a location  
23 change; amending Section 2, Chapter 11, O.S.L. 2019,  
24 as last amended by Section 1, Chapter 390, O.S.L.  
2019, Section 3, Chapter 11, O.S.L. 2019, as amended  
by Section 6, Chapter 477, O.S.L. 2019, Section 4,  
Chapter 11, O.S.L. 2019, Section 6, Chapter 11,  
O.S.L. 2019, as amended by Section 7, Chapter 477,  
O.S.L. 2019, Section 7, Chapter 11, O.S.L. 2019, as  
amended by Section 5, Chapter 509, O.S.L. 2019,  
Section 9, Chapter 11, O.S.L. 2019, Section 10,  
Chapter 11, O.S.L. 2019, as amended by Section 2,  
Chapter 390, O.S.L. 2019, Section 11, Chapter 11,  
O.S.L. 2019, Section 13, Chapter 11, O.S.L. 2019,  
Section 14, Chapter 11, O.S.L. 2019, as amended by  
Section 6, Chapter 509, O.S.L. 2019, Section 16,  
Chapter 11, O.S.L. 2019, Section 17, Chapter 11,  
O.S.L. 2019, as amended by Section 4, Chapter 312,  
O.S.L. 2019, Section 18, Chapter 11, O.S.L. 2019,  
Section 19, Chapter 11, O.S.L. 2019, Section 20,  
Chapter 11, O.S.L. 2019, Section 22, Chapter 11,  
O.S.L. 2019 and Section 23, Chapter 11, O.S.L. 2019,  
as amended by Section 11, Chapter 477, O.S.L. 2019  
(63 O.S. Supp. 2019, Sections 427.2, 427.3, 427.4,  
427.6, 427.7, 427.9, 427.10, 427.11, 427.13, 427.14,  
427.16, 427.17, 427.18, 427.19, 427.20, 427.22 and  
427.23), which relate to the Oklahoma Medical

1 Marijuana and Patient Protection Act; modifying scope  
2 of certain definitions; deleting certain definitions;  
3 updating references to certain named act; clarifying  
4 duties and functions of the Oklahoma Medical  
5 Marijuana Authority; providing for the establishment  
6 of a fee schedule and collection of fees under  
7 certain circumstances; modifying inspection  
8 notification requirement; requiring licensees to  
9 submit certain information; providing statutory  
10 citations; authorizing on-site inspections or  
11 investigations of medical marijuana businesses and  
12 certain facilities; authorizing the State Department  
13 of Health to enter licensed premises and certain  
14 facilities; providing for post-licensure inspections;  
15 removing notice requirement; providing for additional  
16 investigations and inspections under certain  
17 circumstances; authorizing the review of licensed  
18 medical marijuana waste disposal facility records;  
19 removing provision that allows licensees to secure  
20 legal representation prior to interviews conducted by  
21 the Department; providing penalties for grossly  
22 inaccurate or fraudulent reports; authorizing the  
23 Department to issue orders without notice or hearing  
24 under certain circumstances; requiring compliance  
with provisions of order; affording opportunity to  
apply for a hearing after issuance of order;  
clarifying privacy requirements for handling records  
of patients and caregivers; deleting references to  
certain federal act; authorizing the Authority to  
contact recommending physicians of licensees;  
providing for licenses to be immediately voided  
without a hearing under certain circumstances;  
allowing patients to request the withdrawal of a  
caregiver license; directing withdrawal of caregiver  
license without a hearing under certain  
circumstances; directing certain facilities to keep  
transaction records and utilize seed-to-sale tracking  
system; deleting inventory tracking recordkeeping  
requirement; modifying certain business licensing  
requirement by including research, education and  
waste disposal facility applicants and licensees;  
requiring criminal history background checks for  
license renewals; providing exemption from residency  
requirement for certain medical marijuana business  
license applicants; deleting certain copy and digital  
image identification requirements; providing for the  
denial of business applications; updating statutory

1 citations; prohibiting the issuance of research,  
2 education and waste disposal facility licenses to  
3 certain persons; removing requirement to consider  
4 additional information when considering criminal  
5 histories of business license applicants; clarifying  
6 manner by which the Department may seek  
7 administrative action against applicants or  
8 licensees; modifying exemption to certain compliance  
9 requirement; requiring research, education and waste  
10 disposal facility licensees to pay licensure fees  
11 prior to receiving license; providing late renewal  
12 fee for reinstatement of licenses; making fee  
13 nonrefundable; prohibiting reinstatement of certain  
14 expired licenses; prohibiting medical marijuana  
15 businesses, research, education and waste disposal  
16 facilities from operating without a valid, unexpired  
17 license; providing for the issuance of transporter  
18 licenses to certain entities; reducing transporter  
19 agent license fee; providing for the reprint of  
20 licenses without charge; stating fee for subsequent  
21 license reprints; modifying and deleting certain  
22 qualifications for issuing transporter agent registry  
23 identification cards; deleting certain inventory  
24 manifest prohibition; increasing amount of time  
inventory manifests and logs shall be maintained;  
removing authority ability of the Oklahoma Medical  
Marijuana Authority to develop research practices and  
methods; removing requirement that prohibits indirect  
beneficial owners from owning a laboratory; narrowing  
scope of testing laboratory licenses; requiring  
laboratory licensees to comply with application  
requirements; authorizing testing laboratories to  
accept samples from research and education  
facilities; allowing the testing of product to be  
conducted at quality assurance laboratories;  
directing the State Department of Health to develop  
standards and policies for validation procedures;  
specifying type of batches and samples that must be  
identified and tracked by an inventory tracking  
system; increasing amount of time required for  
testing laboratories to retain test results; removing  
test batch weight limitation; increasing number of  
inspections required for testing laboratories after  
licensure; authorizing additional investigations and  
inspections under certain circumstances; authorizing  
commercial growers to transfer certain product to  
processors under certain conditions; deleting certain

1 labeling requirement; making payment of research  
2 license fees annual; clarifying application process  
3 requirements for medical marijuana education facility  
4 licenses; authorizing revocation of licenses for  
5 violations of applicable laws, rules and regulations;  
6 specifying the type of records and information that  
7 are considered confidential and exempt from the  
8 Oklahoma Open Records Act; authorizing the Department  
9 to share certain information with the Oklahoma Tax  
10 Commission; modifying name of entity that recommends  
11 rules to the State Commissioner of Health;  
12 authorizing the State Department of Health to appoint  
13 additional members to the Medical Marijuana Advisory  
14 Council; authorizing the Department to tag or mark  
15 medical marijuana and medical marijuana product under  
16 certain conditions; authorizing the Department to  
17 embargo medical marijuana and medical marijuana  
18 product; making the removal or disposal of embargoed  
19 medical marijuana and medical marijuana product  
20 without permission unlawful; allowing the State  
21 Commissioner of Health to institute actions in  
22 district court for the condemnation and destruction  
23 of embargoed medical marijuana and medical marijuana  
24 product that fails to meet certain requirements;  
providing for the removal of embargoed medical  
marijuana and medical marijuana product after certain  
determination by the Commissioner; providing  
exemption from liability; providing for the  
destruction of medical marijuana and medical  
marijuana product upon findings made by the court;  
requiring expenses associated with destruction, court  
costs and fees to be paid by owner or defendant;  
authorizing courts to order delivery of medical  
marijuana and medical marijuana product to owner or  
defendant under certain circumstances; directing  
expenses for supervision be paid to Commissioner by  
certain person; amending Sections 2, 3 and 4, Chapter  
337, O.S.L. 2019 (63 O.S. Supp. 2019, Sections 428.1,  
429 and 430), which relate to the Oklahoma Medical  
Marijuana Waste Management Act; modifying scope of  
certain definitions; authorizing the destruction of  
marijuana roots and stalks; deleting documentation  
requirements for entities that engage in the disposal  
of medical marijuana waste; removing requirement for  
entities to maintain disposal records for certain  
period of time; clarifying manner by which distance  
requirements shall be measured for waste disposal

1 facilities; removing alternative financial assurance  
2 option; providing for the annual issuance of annual  
3 permits; modifying name of revolving fund; updating  
4 statutory citations; providing for codification; and  
5 providing an effective date.

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

7 SECTION 29. AMENDATORY Section 1, State Question No.  
8 788, Initiative Petition No. 412, as last amended by Section 2,  
9 Chapter 509, O.S.L. 2019 (63 O.S. Supp. 2019, Section 420), is  
10 amended to read as follows:

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

- 13 1. Consume marijuana legally;
- 14 2. Legally possess up to three (3) ounces (84.9 grams) of  
15 marijuana on their person;
- 16 3. Legally possess six (6) mature marijuana plants;
- 17 4. Legally possess six (6) seedling plants;
- 18 5. Legally possess one (1) ounce (28.3 grams) of concentrated  
19 marijuana;
- 20 6. Legally possess seventy-two (72) ounces (2,037.6 grams) of  
21 edible marijuana; and
- 22 7. Legally possess up to eight (8) ounces (226.4 grams) of  
23 marijuana in their residence.

1 B. Possession of up to one and one-half (1.5) ounces (42.45  
2 grams) of marijuana by persons who can state a medical condition,  
3 but not in possession of a state-issued medical marijuana license,  
4 shall constitute a misdemeanor offense punishable by a fine not to  
5 exceed Four Hundred Dollars (\$400.00) and shall not be subject to  
6 imprisonment for the offense. Any law enforcement officer who comes  
7 in contact with a person in violation of this subsection and who is  
8 satisfied as to the identity of the person, as well as any other  
9 pertinent information the law enforcement officer deems necessary,  
10 shall issue to the person a written citation containing a notice to  
11 answer the charge against the person in the appropriate court. Upon  
12 receiving the written promise of the alleged violator to answer as  
13 specified in the citation, the law enforcement officer shall release  
14 the person upon personal recognizance unless there has been a  
15 violation of another provision of law.

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

20 D. The State Department of Health shall within thirty (30) days  
21 of passage of this initiative, make available, on their website, in  
22 an easy to find location, an application for a medical marijuana  
23 license. The license shall be good for two (2) years. The biannual  
24 application fee shall be One Hundred Dollars (\$100.00), or Twenty

1 Dollars (\$20.00) for individuals on Medicaid, Medicare or  
2 SoonerCare. The methods of payment shall be provided on the  
3 website.

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

14 F. Medical marijuana license applicants shall submit his or her  
15 application to the State Department of Health for approval. The  
16 applicant must be a resident of Oklahoma and shall prove residency  
17 by a valid driver license, utility bills, or other accepted methods.

18 G. The State Department of Health shall review the medical  
19 marijuana application, approve ~~or~~, reject or deny the application,  
20 and mail the approval ~~or~~, rejection or denial letter ~~to the~~  
21 ~~applicant~~ stating any reasons for rejection or denial to the  
22 applicant within fourteen (14) business days of receipt of the  
23 application. Approved applicants shall be issued a medical  
24 marijuana license which will act as proof of his or her approved

1 status. Applications may only be rejected or denied based on the  
2 applicant not meeting stated criteria or improper completion of the  
3 application.

4 ~~H. The State Department of Health shall only keep the following~~  
5 ~~records for each approved medical license:~~

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

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

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

9 ~~4. A unique 24-character identification number assigned to the~~  
10 ~~license.~~

11 ~~I.~~ The State Department of Health shall make available, both on  
12 its website, and through a telephone verification system, an easy  
13 method to validate the authenticity of a medical marijuana license  
14 by the unique 24-character identification number.

15 ~~J.~~ I. The State Department of Health shall ensure that all  
16 ~~application~~ medical marijuana patient and caregiver records and  
17 information are sealed to protect the privacy of medical marijuana  
18 license applicants.

19 ~~K.~~ J. A caregiver license shall be made available for qualified  
20 caregivers of a medical marijuana license holder who is homebound.  
21 As provided in Section ~~11 of Enrolled House Bill No. 2612~~ 427.11 of  
22 ~~the 1st Session of the 57th Oklahoma Legislature~~ this title, the  
23 caregiver license shall provide the caregiver the same rights as the  
24 medical marijuana patient licensee, including the ability to possess



1 marijuana, marijuana products and mature and immature plants  
2 pursuant to the Oklahoma Medical Marijuana and Patient Protection  
3 Act, but excluding the ability to use marijuana or marijuana  
4 products unless the caregiver has a medical marijuana patient  
5 license. Applicants for a caregiver license shall submit proof of  
6 the license status and homebound status of the medical marijuana  
7 license holder, that the caregiver is the designee of the medical  
8 marijuana license holder, that the caregiver is eighteen (18) years  
9 of age or older, and that the caregiver is an Oklahoma resident.  
10 This shall be the only criteria for a caregiver license.

11 ~~H.~~ K. All applicants must be eighteen (18) years of age or  
12 older. A special exception shall be granted to an applicant under  
13 the age of eighteen (18), however these applications must be signed  
14 by two (2) physicians and the parent or legal guardian of the  
15 applicant.

16 ~~M.~~ L. All applications for a medical marijuana license shall be  
17 signed by an Oklahoma physician. There are no qualifying  
18 conditions. A medical marijuana license must be recommended  
19 according to the accepted standards a reasonable and prudent  
20 physician would follow when recommending or approving any  
21 medication. No physician may be unduly stigmatized or harassed for  
22 signing a medical marijuana license application.

23 ~~N.~~ M. A medical marijuana patient who attempts to renew his or  
24 her license more than thirty (30) days after expiration of the

1 license shall pay a late renewal fee in an amount to be determined  
2 by the Department to reinstate the license. Late renewal fees are  
3 nonrefundable. A license that has been expired for more than ninety  
4 (90) days shall not be reinstated.

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

8 SECTION 30. AMENDATORY Section 2, State Question No.  
9 788, Initiative Petition No. 412 (63 O.S. Supp. 2019, Section 421),  
10 is amended to read as follows:

11 Section 421. A. The ~~Oklahoma~~ State Department of Health shall,  
12 within thirty (30) days of passage of this initiative, make  
13 available, on ~~their~~ its website, in an easy-to-find location, an  
14 application for a medical marijuana dispensary license. The  
15 application fee shall be Two Thousand Five Hundred Dollars  
16 (\$2,500.00) ~~and a.~~ A method of payment ~~will~~ shall be provided on  
17 the website. ~~Retail~~ Dispensary applicants must all be Oklahoma  
18 state residents. Any entity applying for a ~~retail~~ dispensary  
19 license must be owned by an Oklahoma state resident and must be  
20 registered to do business in Oklahoma. The ~~Oklahoma~~ State  
21 Department of Health shall have ~~two (2) weeks~~ ninety (90) business  
22 days to review the application, approve ~~or~~, reject or deny the  
23 application, and mail the ~~approval/rejection~~ approval, rejection or  
24

1 denial letter ~~(if rejected,~~ stating any reasons for rejection) or  
2 denial to the applicant.

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

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

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

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

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

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

16 6. All applicants must disclose all ownership~~+~~.

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

23 C. ~~Retailers will~~ Dispensaries shall be required to complete a  
24 monthly sales report to the ~~Oklahoma~~ State Department of Health.

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

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

22 SECTION 31. AMENDATORY Section 3, State Question No.  
23 788, Initiative Petition No. 412 (63 O.S. Supp. 2019, Section 422),  
24 is amended to read as follows:

1 Section 422. A. The ~~Oklahoma~~ State Department of Health ~~will~~  
2 shall, within thirty (30) days of passage of this initiative, make  
3 available~~7~~ on ~~their~~ its website~~7~~, in an easy-to-find location~~7~~, an  
4 application for a commercial grower license. The application fee  
5 ~~will~~ shall be Two Thousand Five Hundred Dollars (\$2,500.00) ~~and~~.  
6 The methods of payment ~~will~~ shall be provided on the website. The  
7 ~~Oklahoma~~ State Department of Health ~~has two (2) weeks~~ shall have  
8 ninety (90) business days to review the application, approve ~~or~~,  
9 reject or deny the application~~7~~, and mail the ~~approval/rejection~~  
10 approval, rejection or denial letter ~~(if rejected, stating reasons~~  
11 ~~for rejection)~~ stating reasons for the rejection or denial to the  
12 applicant.

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

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

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

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

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

24

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

3 6. All applicants must disclose all ownership~~r~~.

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

9 C. A licensed commercial grower may sell marijuana to a  
10 licensed retailer~~r~~, or a licensed packager. Beginning November 1,  
11 2020, licensed medical marijuana growers shall be authorized to  
12 package and sell to licensed medical marijuana dispensaries pre-  
13 rolled cigarettes containing pure flower only and no additives.

14 Further, these sales ~~will~~ shall be considered wholesale sales and  
15 not subject to taxation. Under no circumstances may a licensed  
16 commercial grower sell marijuana directly to a licensed medical  
17 marijuana ~~license holder~~ patient. A licensed commercial grower may  
18 only sell at the wholesale level to a licensed ~~retailer~~ dispensary  
19 or a licensed processor. If the federal government lifts  
20 restrictions on buying and selling marijuana between states, then a  
21 licensed commercial grower would be allowed to sell and buy  
22 marijuana wholesale from, or to, an out of state wholesale provider.  
23 A licensed commercial grower ~~will~~ shall be required to complete a  
24 monthly yield and sales report to the ~~Oklahoma~~ State Department of

1 Health. This report ~~will~~ shall be due on the ~~15th~~ fifteenth of each  
2 month and provide reporting on the previous month. ~~This~~ The report  
3 ~~will~~ shall detail the amount of marijuana harvested in pounds, the  
4 amount of drying or dried marijuana on hand, the amount of marijuana  
5 sold to processors in pounds, the amount of waste in pounds, and the  
6 amount of marijuana sold to retailers in ~~lbs~~ pounds. Additionally,  
7 ~~this~~ the report ~~will~~ shall show total wholesale sales in dollars.  
8 The ~~Oklahoma~~ State Department of Health ~~will~~ shall have oversight  
9 and auditing responsibilities to ensure that all marijuana being  
10 grown by the licensed commercial grower is accounted for. A  
11 ~~licensed grower will only be subject to a penalty if a gross~~  
12 ~~discrepancy exists and cannot be explained. Penalties for~~  
13 ~~fraudulent reporting or sales occurring within any 2 year time~~  
14 ~~period will be an initial fine of Five Thousand Dollars (\$5,000.00)~~  
15 ~~(first) and revocation of licensing (second).~~

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

18 SECTION 32. AMENDATORY Section 4, State Question No.  
19 788, Initiative Petition No. 412 (63 O.S. Supp. 2019, Section 423),  
20 is amended to read as follows:

21 Section 423. A. The ~~Oklahoma~~ State Department of Health shall,  
22 within thirty (30) days of passage of this initiative, make  
23 available~~7~~ on ~~their~~ its website~~7~~, in an easy~~7~~to~~7~~find location~~7~~, an  
24 application for a medical marijuana processing license. The

1 application fee shall be Two Thousand Five Hundred Dollars  
2 (\$2,500.00) ~~and methods.~~ A method of payment ~~will~~ shall be provided  
3 on the website. The ~~Oklahoma~~ State Department of Health shall have  
4 ~~two (2) weeks~~ ninety (90) business days to review the application,  
5 approve ~~or,~~ reject or deny the application, and mail the  
6 ~~approval/rejection~~ approval, rejection or denial letter ~~(if rejected~~  
7 ~~stating reasons for rejection)~~ or denial to the applicant.

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

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

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

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

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

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

21 6. All applicants must disclose all ownership~~+~~.

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



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

4 C. A licensed processor may take marijuana plants and distill  
5 or process these plants into concentrates, edibles, and other forms  
6 for consumption. As required by subsection D of this section, the  
7 ~~Oklahoma~~ State Department of Health ~~will~~ shall, within sixty (60)  
8 days of passage of this initiative, make available a set of  
9 standards which ~~will~~ shall be used by licensed processors in the  
10 preparation of edible marijuana products. This should be in line  
11 with current food preparation guidelines ~~and no.~~ No excessive or  
12 punitive rules may be established by the ~~Oklahoma~~ State Department  
13 of Health. Once a year, the ~~Oklahoma~~ State Department of Health may  
14 inspect a processing operation and determine its compliance with the  
15 preparation standards. If deficiencies are found, a written report  
16 of deficiency ~~will~~ shall be issued to the processor. The processor  
17 ~~will~~ shall have one (1) month to correct the deficiency or be  
18 subject to a fine of Five Hundred Dollars (\$500.00) for each  
19 deficiency. A licensed processor may sell marijuana products it  
20 creates to a licensed ~~retailer,~~ dispensary or any other licensed  
21 processor. Further, these sales ~~will~~ shall be considered wholesale  
22 sales and not subject to taxation. Under no circumstances may a  
23 licensed processor sell marijuana~~,~~ or any marijuana product~~,~~  
24 directly to a licensed medical marijuana ~~license holder~~ patient.

1 However, a licensed processor may process cannabis into a  
2 concentrated form, for a licensed medical license holder, marijuana  
3 patient for a fee. ~~Processors will~~ Licensed processors shall be  
4 required to complete a monthly yield and sales report to the  
5 ~~Oklahoma~~ State Department of Health. ~~This~~ The report ~~will~~ shall be  
6 due on the ~~15th~~ fifteenth of each month and provide reporting on the  
7 previous month. ~~This~~ The report ~~will~~ shall detail the amount of  
8 marijuana purchased in pounds, the amount of marijuana cooked or  
9 processed in pounds, and the amount of waste in pounds.  
10 Additionally, ~~this~~ the report ~~will~~ shall show total wholesale sales  
11 in dollars. The ~~Oklahoma~~ State Department of Health ~~will~~ shall have  
12 oversight and auditing responsibilities to ensure that all marijuana  
13 being grown is accounted for. ~~A licensed processor will only be~~  
14 ~~subject to a penalty if a gross discrepancy exists and cannot be~~  
15 ~~explained. Penalties for fraudulent reporting occurring within any~~  
16 ~~2 year time period will be an initial fine of Five Thousand Dollars~~  
17 ~~(\$5,000.00) (first) and revocation of licensing (second).~~

18 D. The Department shall oversee inspection and compliance of  
19 processors producing products with marijuana as an additive. The  
20 ~~Oklahoma State Department of Health will~~ shall be compelled to,  
21 within thirty (30) days of passage of this initiative, appoint a  
22 ~~board of twelve (12)~~ Oklahoma residents to the Council, who are  
23 marijuana industry experts, to create a list of food safety  
24 standards for processing and handling medical marijuana in Oklahoma.

1 These standards ~~will~~ shall be adopted by the agency and the agency  
2 can enforce these standards for licensed processors. The agency  
3 ~~will~~ shall develop a standards review procedure and these standards  
4 can be altered by calling another ~~board~~ council of twelve (12)  
5 Oklahoma marijuana industry experts. A signed letter of twenty ~~(20)~~  
6 operating licensed processors ~~would~~ shall constitute a need for a  
7 new ~~board~~ council and ~~standard~~ standards review.

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

10 F. Any device used for the consumption of medical marijuana  
11 shall be considered legal to be sold, manufactured, distributed, and  
12 possessed. No merchant, wholesaler, manufacturer, or individual may  
13 ~~unduly~~ be unduly harassed or prosecuted for selling, manufacturing,  
14 or ~~possession of medical~~ possessing marijuana paraphernalia.

15 SECTION 33. AMENDATORY Section 6, State Question No.  
16 788, Initiative Petition No. 412, as amended by Section 3, Chapter  
17 509, O.S.L. 2019 (63 O.S. Supp. 2019, Section 425), is amended to  
18 read as follows:

19 Section 425. A. No school or landlord may refuse to enroll or  
20 lease to and may not otherwise penalize a person solely for his or  
21 her status as a medical marijuana license holder, unless failing to  
22 do so would cause the school or landlord the potential to lose a  
23 monetary or licensing-related benefit under federal law or  
24 regulations.

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

6 1. The status of the person as a medical marijuana license  
7 holder; or

8 2. Employers may take action against a holder of a medical  
9 marijuana license if the holder uses or possesses marijuana while in  
10 his or her place of employment or during the hours of employment.

11 Employers may not take action against the holder of a medical  
12 marijuana license solely based upon the status of an employee as a  
13 medical marijuana license holder or the results of a drug test  
14 showing positive for marijuana or its components.

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

21 D. No medical marijuana license holder may be denied custody of  
22 or visitation or parenting time with a minor, and there is no  
23 presumption of neglect or child endangerment for conduct allowed  
24

1 under this law, unless the behavior of the person creates an  
2 unreasonable danger to the safety of the minor.

3 E. No person holding a medical marijuana license may unduly be  
4 withheld from holding a state-issued license by virtue of their  
5 being a medical marijuana license holder including, but not limited  
6 to, a concealed carry permit.

7 F. 1. No city or local municipality may unduly change or  
8 restrict zoning laws to prevent the opening of a retail marijuana  
9 establishment.

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

19 3. For purposes of this section, "retail marijuana  
20 establishment" means an entity licensed by the State Department of  
21 Health as a medical marijuana dispensary. Retail marijuana  
22 establishment does not include those other entities licensed by the  
23 Department as marijuana-licensed premises, medical marijuana  
24 businesses or other facilities or locations where marijuana or any

1 product containing marijuana or its by-products are cultivated,  
2 grown, processed, stored or manufactured.

3 G. The location of any retail marijuana establishment is  
4 specifically prohibited within ~~one thousand (1,000)~~ three hundred  
5 (300) feet of any public or private school ~~entrance~~. Upon the  
6 effective date of this act, the distance indicated in this  
7 subsection shall be measured from the nearest property line of the  
8 public or private school to the front entrance of the retail  
9 marijuana establishment. If any public or private school is  
10 established within three hundred (300) feet of any retail marijuana  
11 establishment after such retail marijuana establishment has been  
12 licensed, the provisions of this section shall not be a deterrent to  
13 the renewal of such license or warrant revocation of the license.

14 H. Research shall be provided for under this law. A researcher  
15 may apply to the State Department of Health for a special research  
16 license. The license shall be granted, provided the applicant meets  
17 the criteria listed ~~under subsection B of Section 421 of this title~~  
18 in the Oklahoma Medical Marijuana and Patient Protection Act.

19 Research license holders shall be required to file monthly  
20 consumption reports to the State Department of Health with amounts  
21 of marijuana used for research.

22 SECTION 34. AMENDATORY Section 4, Chapter 509, O.S.L.  
23 2019 (63 O.S. Supp. 2019, Section 426.1), is amended to read as  
24 follows:

1 Section 426.1 A. ~~Except for revocation hearings concerning~~  
2 ~~licensed patients, as~~ As defined in Section ~~2~~ 427.2 of ~~Enrolled~~  
3 ~~House Bill No. 2612 of the 1st Session of the 57th Oklahoma~~  
4 ~~Legislature~~ this title, all licensure revocation hearings conducted  
5 pursuant to marijuana licenses established in the Oklahoma Statutes  
6 shall be recorded. A party may request a copy of the recording of  
7 the proceedings. Copies shall be provided to local law enforcement  
8 if the revocation was based on alleged criminal activity.

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

18 C. The State Department of Health shall make available all  
19 information displayed on medical marijuana licenses, as well as  
20 whether or not the license is valid, to law enforcement  
21 electronically through the Oklahoma Law Enforcement  
22 Telecommunications System.

23 D. The Department shall make available to Oklahoma state  
24 agencies and political subdivisions a list of marijuana-licensed

1 premises, medical marijuana businesses or any other premises where  
2 marijuana or its by-products are licensed to be cultivated, grown,  
3 processed, stored or manufactured to aid Oklahoma state, county and  
4 municipal governments in identifying locations within their  
5 jurisdiction and ~~ensure~~ ensuring compliance with ~~local~~ applicable  
6 laws, rules and regulations.

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

18 SECTION 35. AMENDATORY Section 2, Chapter 11, O.S.L.  
19 2019, as last amended by Section 1, Chapter 390, O.S.L. 2019 (63  
20 O.S. Supp. 2019, Section 427.2), is amended to read as follows:

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

23 1. "Advertising" means the act of providing consideration for  
24 the publication, dissemination, solicitation, or circulation, of



1 visual, oral, or written communication, to induce directly or  
2 indirectly any person to patronize a particular medical marijuana  
3 business, or to purchase particular medical marijuana or a medical  
4 marijuana product. Advertising includes marketing, but does not  
5 include packaging and labeling;

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

7 3. "Batch number" means a unique numeric or alphanumeric  
8 identifier assigned prior to testing to allow for inventory tracking  
9 and traceability;

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

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

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

16 a. designed or constructed to be significantly difficult  
17 for children under five (5) years of age to open and  
18 not difficult for normal adults to use properly as  
19 defined by 16 C.F.R. 1700.15 (1995) and 16 C.F.R.  
20 1700.20 (1995),

21 b. opaque so that the outermost packaging does not allow  
22 the product to be seen without opening the packaging  
23 material, and  
24

1 c. resealable to maintain its child-resistant  
2 effectiveness for multiple openings for any product  
3 intended for more than a single use or containing  
4 multiple servings;

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

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

9 9. "Complete application" means a document prepared in  
10 accordance with the provisions set forth in this act, rules  
11 promulgated pursuant thereto, and the forms and instructions  
12 provided by the Department, including any supporting documentation  
13 required and the applicable license application fee;

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

15 11. "Director" means the Executive Director of the Oklahoma  
16 Medical Marijuana Authority;

17 12. "Dispense" means the selling of medical marijuana or a  
18 medical marijuana product to a qualified patient or the designated  
19 caregiver of the patient that is packaged in a suitable container  
20 appropriately labeled for subsequent administration to or use by a  
21 qualifying patient;

22 13. "Dispensary" means a medical marijuana dispensary, an  
23 entity that has been licensed by the Department pursuant to this act  
24 to purchase medical marijuana or medical marijuana products from a

1 licensed medical marijuana commercial grower or medical marijuana  
2 processor, to package pre-rolls, and to sell medical marijuana or  
3 medical marijuana products to patients and caregivers as defined  
4 under this act, or sell or transfer products to another dispensary;

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

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

12 16. "Flower" means the reproductive organs of the marijuana or  
13 cannabis plant referred to as the bud or parts of the plant that are  
14 harvested and used to consume in a variety of medical marijuana  
15 products;

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

19 18. "Food-based medical marijuana concentrate" means a medical  
20 marijuana concentrate that was produced by extracting cannabinoids  
21 from medical marijuana through the use of propylene glycol,  
22 glycerin, butter, olive oil, coconut oil or other typical food-safe  
23 cooking fats;

24

1 19. ~~"Good cause" for purposes of an initial, renewal or~~  
2 ~~reinstatement license application, or for purposes of discipline of~~  
3 ~~a licensee, means:~~

- 4 a. ~~the licensee or applicant has violated, does not meet,~~  
5 ~~or has failed to comply with any of the terms,~~  
6 ~~conditions or provisions of the act, any rules~~  
7 ~~promulgated pursuant thereto, or any supplemental~~  
8 ~~relevant state or local law, rule or regulation,~~
- 9 b. ~~the licensee or applicant has failed to comply with~~  
10 ~~any special terms or conditions that were placed upon~~  
11 ~~the license pursuant to an order of the State~~  
12 ~~Department of Health, Oklahoma Medical Marijuana~~  
13 ~~Authority or the municipality, or~~
- 14 c. ~~the licensed premises of a medical marijuana business~~  
15 ~~or applicant have been operated in a manner that~~  
16 ~~adversely affects the public health or welfare or the~~  
17 ~~safety of the immediate vicinity in which the~~  
18 ~~establishment is located;~~

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

23 ~~21.~~ 20. "Harvested marijuana" means post-flowering medical  
24 marijuana not including trim, concentrate or waste;

1       ~~22.~~ 21. "Heat- or pressure-based medical marijuana concentrate"  
2 means a medical marijuana concentrate that was produced by  
3 extracting cannabinoids from medical marijuana through the use of  
4 heat or pressure;

5       ~~23.~~ 22. "Immature plant" means a nonflowering marijuana plant  
6 that has not demonstrated signs of flowering;

7       ~~24.~~ 23. "Inventory tracking system" means the required tracking  
8 system that accounts for the entire life span of medical marijuana,  
9 from ~~either the seed or immature plant~~ stage until the medical  
10 marijuana or medical marijuana product is ~~sold to a patient at a~~  
11 ~~medical marijuana dispensary, transferred to a medical marijuana~~  
12 ~~research facility,~~ consumed, used, disposed of or otherwise  
13 ~~destroyed by a medical marijuana business or used in a research~~  
14 ~~project by a medical marijuana research facility;~~

15       ~~25.~~ 24. "Licensed patient" or "patient" means a person who has  
16 been issued a medical marijuana patient license by the State  
17 Department of Health or Oklahoma Medical Marijuana Authority;

18       ~~26.~~ 25. "Licensed premises" means the premises specified in an  
19 application for a medical marijuana business license, medical  
20 marijuana research facility license or medical marijuana education  
21 facility license pursuant to this act that are owned or in  
22 possession of the licensee and within which the licensee is  
23 authorized to cultivate, manufacture, distribute, sell, store,  
24 transport, test or research medical marijuana or medical marijuana

1 products in accordance with the provisions of this act and rules  
2 promulgated pursuant thereto;

3 ~~27.~~ 26. "Manufacture" means the production, propagation,  
4 compounding or processing of a medical marijuana product, excluding  
5 marijuana plants, either directly or indirectly by extraction from  
6 substances of natural or synthetic origin, or independently by means  
7 of chemical synthesis, or by a combination of extraction and  
8 chemical synthesis;

9 ~~28.~~ 27. "Marijuana" shall have the same meaning as such term is  
10 defined in Section 2-101 of ~~Title 63 of the Oklahoma Statutes~~ this  
11 title;

12 ~~29.~~ 28. "Material change" means any change that would ~~require a~~  
13 ~~substantive revision to the standard operating procedures of a~~  
14 affect the qualifications for licensure of an applicant or licensee  
15 ~~for the cultivation or production of medical marijuana, medical~~  
16 ~~marijuana concentrate or medical marijuana products;~~

17 ~~30.~~ 29. "Mature plant" means a harvestable female marijuana  
18 plant that is flowering;

19 ~~31.~~ 30. "Medical marijuana business (MMB)" means a licensed  
20 medical marijuana dispensary, medical marijuana processor, medical  
21 marijuana commercial grower, medical marijuana laboratory, medical  
22 marijuana business operator, or a medical marijuana transporter;

23 ~~32.~~ 31. "Medical marijuana concentrate" or "concentrate" means  
24 a specific subset of medical marijuana that was produced by

1 extracting cannabinoids from medical marijuana. Categories of  
2 medical marijuana concentrate include water-based medical marijuana  
3 concentrate, food-based medical marijuana concentrate, solvent-based  
4 medical marijuana concentrate, and heat- or pressure-based medical  
5 marijuana concentrate;

6 ~~33.~~ 32. "Medical marijuana commercial grower" or "commercial  
7 grower" means an entity licensed to cultivate, prepare and package  
8 medical marijuana, package medical marijuana as pre-rolls, and  
9 transfer or contract for transfer medical marijuana and medical  
10 marijuana pre-rolls to a medical marijuana dispensary, medical  
11 marijuana processor, any other medical marijuana commercial grower,  
12 medical marijuana research facility, and medical marijuana education  
13 facility ~~and pesticide manufacturers~~. A commercial grower may sell  
14 seeds, flower or clones to commercial growers pursuant to this act;

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

23  
24

1       ~~35.~~ 34. "Medical-marijuana-infused product" means a product  
2 infused with medical marijuana including, but not limited to, edible  
3 products, ointments and tinctures;

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

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

17       ~~38.~~ 37. "Medical marijuana research facility" or "research  
18 facility" means a person or entity approved pursuant to this act to  
19 conduct medical marijuana research. A medical marijuana research  
20 facility is not a medical marijuana business;

21       ~~39.~~ 38. "Medical marijuana testing laboratory" or "laboratory"  
22 means a public or private laboratory licensed pursuant to this act,  
23 to conduct testing and research on medical marijuana and medical  
24 marijuana products;



1       ~~40.~~ 39. "Medical marijuana transporter" or "transporter" means  
2 a person or entity that is licensed pursuant to this act. A medical  
3 marijuana transporter does not include a medical marijuana business  
4 that transports its own medical marijuana, medical marijuana  
5 concentrate or medical marijuana products to a property or facility  
6 adjacent to or connected to the licensed premises if the property is  
7 another licensed premises of the same medical marijuana business;

8       ~~41.~~ 40. "Medical marijuana waste" or "waste" means unused,  
9 surplus, returned or out-of-date marijuana, plant debris of the  
10 plant of the genus Cannabis, including dead plants and all unused  
11 plant parts and roots;

12       ~~42.~~ 41. "Medical use" means the acquisition, possession, use,  
13 delivery, transfer or transportation of medical marijuana, medical  
14 marijuana products, medical marijuana devices or paraphernalia  
15 relating to the administration of medical marijuana to treat a  
16 licensed patient;

17       ~~43.~~ 42. "Mother plant" means a marijuana plant that is grown or  
18 maintained for the purpose of generating clones, and that will not  
19 be used to produce plant material for sale to a medical marijuana  
20 processor or medical marijuana dispensary;

21       ~~44.~~ 43. "Oklahoma physician" or "physician" means a physician  
22 licensed by and in good standing with the State Board of Medical  
23 Licensure and Supervision, the State Board of Osteopathic Examiners  
24 or the Board of Podiatric Medical Examiners;

1       ~~45.~~ 44. "Oklahoma resident" means an individual who can provide  
2 proof of residency as required by this act;

3       ~~46.~~ 45. "Owner" means, except where the context otherwise  
4 requires, a direct beneficial owner including, but not limited to,  
5 all persons or entities as follows:

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

1       ~~47.~~ 46. "Package" or "packaging" means any container or wrapper  
2 that may be used by a medical marijuana business to enclose or  
3 contain medical marijuana;

4       ~~48.~~ 47. "Person" means a natural person, partnership,  
5 association, business trust, company, corporation, estate, limited  
6 liability company, trust or any other legal entity or organization,  
7 or a manager, agent, owner, director, servant, officer or employee  
8 thereof, except that "person" does not include any governmental  
9 organization;

10       ~~49.~~ 48. "Pesticide" means any substance or mixture of  
11 substances intended for preventing, destroying, repelling or  
12 mitigating any pest or any substance or mixture of substances  
13 intended for use as a plant regulator, defoliant or desiccant,  
14 except that the term "pesticide" shall not include any article that  
15 is a "new animal drug" as designated by the United States Food and  
16 Drug Administration;

17       ~~50.~~ 49. "Production batch" means:

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

1 standard operating procedures and the same production  
2 batch of medical marijuana concentrate;

3 ~~51.~~ 50. "Public institution" means any entity established or  
4 controlled by the federal government, state government, or a local  
5 government or municipality including, but not limited to,  
6 institutions of higher education or related research institutions;

7 ~~52.~~ 51. "Public money" means any funds or money obtained by the  
8 holder from any governmental entity including, but not limited to,  
9 research grants;

10 ~~53.~~ 52. "Recommendation" means a document that is signed or  
11 electronically submitted by a physician on behalf of a patient for  
12 the use of medical marijuana pursuant to this act;

13 ~~54.~~ 53. "Registered to conduct business" means a person that  
14 has provided proof that the business applicant or licensee is in  
15 good standing with the Oklahoma Secretary of State and Oklahoma Tax  
16 Commission;

17 ~~55.~~ 54. "Remediation" means the process by which ~~the medical~~  
18 ~~marijuana flower or trim, which has failed microbial testing, is~~  
19 ~~processed into solvent based medical marijuana concentrate and a~~  
20 harvest batch or production batch that fails testing undergoes a  
21 procedure to remedy the harvest batch or production batch and is  
22 retested as required by this act in accordance with Oklahoma laws,  
23 rules and regulations;  
24

1       ~~56.~~ 55. "Research project" means a discrete scientific endeavor  
2 to answer a research question or a set of research questions related  
3 to medical marijuana and is required for a medical marijuana  
4 research license. A research project shall include a description of  
5 a defined protocol, clearly articulated goals, defined methods and  
6 outputs, and a defined start and end date. The description shall  
7 demonstrate that the research project will comply with all  
8 requirements in this act and rules promulgated pursuant thereto.  
9 All research and development conducted by a medical marijuana  
10 research facility shall be conducted in furtherance of an approved  
11 research project;

12       ~~57.~~ 56. "Revocation" means the final decision by the Department  
13 that any license issued pursuant to this act is rescinded because  
14 the individual or entity does not comply with the applicable  
15 requirements set forth in this act or rules promulgated pursuant  
16 thereto;

17       ~~58.~~ 57. "School" means a public or private preschool or a  
18 public or private elementary or secondary school used for school  
19 classes and instruction. A homeschool, daycare or child-care  
20 facility shall not be considered a "school" as used in this act;

21       ~~59.~~ 58. "Shipping container" means a hard-sided container with  
22 a lid or other enclosure that can be secured in place. A shipping  
23 container is used solely for the transport of medical marijuana,  
24 medical marijuana concentrate, or medical marijuana products between

1 medical marijuana businesses, a medical marijuana research facility,  
2 or a medical marijuana education facility;

3 ~~60.~~ 59. "Solvent-based medical marijuana concentrate" means a  
4 medical marijuana concentrate that was produced by extracting  
5 cannabinoids from medical marijuana through the use of a solvent  
6 approved by the Department;

7 ~~61.~~ 60. "State Question" means Oklahoma State Question No. 788,  
8 Initiative Petition No. 412, approved by a majority vote of the  
9 citizens of Oklahoma on June 26, 2018;

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

13 ~~63.~~ 61. "THC" means tetrahydrocannabinol, which is the primary  
14 psychotropic cannabinoid in marijuana formed by decarboxylation of  
15 naturally tetrahydrocannabinolic acid, which generally occurs by  
16 exposure to heat;

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

24

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

3 ~~65.~~ 62. "Transporter agent" means a person who transports  
4 medical marijuana or medical marijuana products for a licensed  
5 transporter and holds a transporter agent license pursuant to this  
6 act;

7 ~~66.~~ 63. "Universal symbol" means the image established by the  
8 State Department of Health or Oklahoma Medical Marijuana Authority  
9 and made available to licensees through its website indicating that  
10 the medical marijuana or the medical marijuana product contains THC;

11 ~~67.~~ 64. "Usable marijuana" means the dried leaves, flowers,  
12 oils, vapors, waxes and other portions of the marijuana plant and  
13 any mixture or preparation thereof, excluding ~~seed~~ seeds, roots and  
14 stalks; and

15 ~~68.~~ 65. "Water-based medical marijuana concentrate" means a  
16 concentrate that was produced by extracting cannabinoids from  
17 medical marijuana through the use of only water, ice, or dry ice.

18 SECTION 36. AMENDATORY Section 3, Chapter 11, O.S.L.  
19 2019, as amended by Section 6, Chapter 477, O.S.L. 2019 (63 O.S.  
20 Supp. 2019, Section 427.3), is amended to read as follows:

21 Section 427.3 A. There is hereby created the Oklahoma Medical  
22 Marijuana Authority within the State Department of Health which  
23 shall address issues related to the medical marijuana program in  
24 Oklahoma including, but not limited to, the issuance of patient

1 licenses and medical marijuana business licenses, and the  
2 dispensing, cultivating, processing, testing, transporting, storage,  
3 research, and the use of and sale of medical marijuana pursuant to  
4 this act.

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

8 C. The Department shall implement the provisions of this act  
9 consistently with the voter-approved State Question No. 788,  
10 Initiative Petition No. 412, subject to the provisions of this act.

11 D. The Department shall exercise its respective powers and  
12 perform its respective duties and functions as specified in this act  
13 and ~~Title 63 of the Oklahoma Statutes~~ this title including, but not  
14 limited to, the following:

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

- 19 a. public health policy and public safety policy,
- 20 b. agronomic and horticultural best practices, and
- 21 c. medical and pharmacopoeia best practices;

22 2. Contract with third-party vendors and other governmental  
23 entities in order to carry out the respective duties and functions  
24 as specified in this act;



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

5 4. Issue subpoenas for the appearance or production of persons,  
6 records and things in connection with disciplinary or contested  
7 cases considered by the Department;

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

11 6. Inspect and examine, ~~with notice provided in accordance with~~  
12 ~~this act,~~ all licensed premises of medical marijuana businesses,  
13 research facilities ~~and,~~ education facilities and waste disposal  
14 facilities in which medical marijuana is cultivated, manufactured,  
15 sold, stored, transported, tested ~~or,~~ distributed or disposed;

16 7. Upon action by the federal government by which the  
17 production, sale and use of marijuana in Oklahoma does not violate  
18 federal law, work with the Oklahoma State Banking Department and the  
19 State Treasurer to develop good practices and standards for banking  
20 and finance for medical marijuana businesses;

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

23 9. Establish a fee schedule and collect fees for performing  
24 background checks as the Commissioner deems appropriate. The fees

1 charged pursuant to this paragraph shall not exceed the actual cost  
2 incurred for each background check; and

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

6 SECTION 37. AMENDATORY Section 4, Chapter 11, O.S.L.  
7 2019 (63 O.S. Supp. 2019, Section 427.4), is amended to read as  
8 follows:

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

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

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

17 2. The individual or his or her spouse, parent, child, spouse  
18 of a child, sibling, or spouse of a sibling has an application for a  
19 medical marijuana business license pending before the Department or  
20 is a member of the board of directors of a medical marijuana  
21 business, or is an individual financially interested in any licensee  
22 or medical marijuana business.

23  
24

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

4 D. The Commissioner may delegate to any officer or employee of  
5 the Department any of the powers of the Executive Director and may  
6 designate any officer or employee of the Department to perform any  
7 of the duties of the Executive Director.

8 E. The Executive Director shall be authorized to suggest rules  
9 governing the oversight and implementation of this act.

10 F. The Department is hereby authorized to create employment  
11 positions necessary for the implementation of its obligations  
12 pursuant to this act, including but not limited to Authority  
13 investigators and a senior director of enforcement. The Department  
14 and the Authority, the senior director of enforcement, the Executive  
15 Director, and Department investigators shall have all the powers of  
16 any peace officer to:

17 1. Investigate violations or suspected violations of this act  
18 and any rules promulgated pursuant thereto;

19 2. Serve all warrants, summonses, subpoenas, administrative  
20 citations, notices or other processes relating to the enforcement of  
21 laws regulating medical marijuana, concentrate, and medical  
22 marijuana product;

23  
24

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

4 4. Require any business applicant or licensee, ~~upon twenty-four~~  
5 ~~(24) hours notice or upon a showing of necessity~~, to permit an  
6 inspection of licensed premises during business hours or at any time  
7 of apparent operation, marijuana equipment, and marijuana  
8 accessories, or books and records; and to permit the testing of or  
9 examination of medical marijuana, concentrate, or product; and

10 5. Require applicants and licensees to submit complete and  
11 current applications, submit information and fees required by ~~this~~  
12 ~~act and fees~~, the Oklahoma Medical Marijuana and Patient Protection  
13 Act and the Oklahoma Medical Marijuana Waste Management Act, and  
14 approve material changes made by the applicant or licensee.

15 SECTION 38. AMENDATORY Section 6, Chapter 11, O.S.L.  
16 2019, as amended by Section 7, Chapter 477, O.S.L. 2019 (63 O.S.  
17 Supp. 2019, Section 427.6), is amended to read as follows:

18 Section 427.6 A. The State Department of Health shall address  
19 issues related to the medical marijuana program in Oklahoma  
20 including, but not limited to, monitoring and disciplinary actions  
21 as they relate to the medical marijuana program.

22 B. 1. The Department or its designee may perform on-site  
23 ~~assessments~~ inspections or investigations of a licensee or applicant  
24 for any medical marijuana business ~~license issued pursuant to this~~

1 ~~act, research facility, education facility or waste disposal~~  
2 facility to determine compliance with ~~this act~~ applicable laws,  
3 rules and regulations or submissions made pursuant to this section.  
4 The Department may enter the licensed premises of a medical  
5 marijuana business ~~licensee or applicant,~~ research facility,  
6 education facility or waste disposal facility to assess or monitor  
7 compliance or ensure qualifications for licensure.

8 2. ~~Inspections~~ Post-licensure inspections shall be limited to  
9 twice per calendar year ~~and twenty-four (24) hours of notice shall~~  
10 ~~be provided to a medical marijuana business applicant or licensee~~  
11 ~~prior to an on-site assessment.~~ However, investigations and  
12 additional inspections may occur when the Department ~~shows that~~  
13 believes an investigation or additional inspection is necessary due  
14 to a possible violation of ~~this act~~ the applicable laws, rules or  
15 regulations. ~~Such inspection may be without notice if the~~  
16 ~~Department believes that such notice will result in the destruction~~  
17 ~~of evidence.~~

18 3. The Department may review relevant records of a licensed  
19 medical marijuana business, licensed medical marijuana research  
20 facility ~~or,~~ licensed medical marijuana education facility or  
21 licensed medical marijuana waste disposal facility, and may require  
22 and conduct interviews with such persons or entities and persons  
23 affiliated with such entities, for the purpose of determining  
24 compliance with Department requirements and applicable laws.

1 ~~However, prior to conducting any interviews with the medical~~  
2 ~~marijuana business, research facility or education facility, the~~  
3 ~~licensee shall be afforded sufficient time to secure legal~~  
4 ~~representation during such questioning if requested by the business~~  
5 ~~or facility or any of its agents or employees or contractors.~~

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

9 C. Disciplinary action may be taken against an applicant or  
10 licensee ~~under this act~~ for not adhering to ~~the law~~ applicable laws  
11 pursuant to the terms, conditions and guidelines set forth in this  
12 act.

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

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

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

20 2. Falsification or misrepresentation of any material or  
21 information submitted to the Department;

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

24

1 4. Failure to adhere to any acknowledgement, verification or  
2 other representation made to the Department;

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

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

8 7. Failure to comply with requested access by the Department to  
9 the licensed premises or materials;

10 8. Failure to pay a required monetary penalty;

11 9. Diversion of medical marijuana or any medical marijuana  
12 product, as determined by the Department;

13 10. Threatening or harming a patient, a medical practitioner or  
14 an employee of the Department; and

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

17 F. Disciplinary actions against a licensee may include the  
18 imposition of monetary penalties, which may be assessed by the  
19 Department.

20 G. Penalties for sales or purchases by a medical marijuana  
21 business to persons other than those allowed by law occurring within  
22 any two-year time period may include an initial fine of One Thousand  
23 Dollars (\$1,000.00) for a first violation and a fine of Five  
24 Thousand Dollars (\$5,000.00) for any subsequent violation.

1 Penalties for grossly inaccurate or fraudulent reporting occurring  
2 within any two-year time period may include an initial fine of One  
3 Thousand Dollars (\$1,000.00) for a first violation and a fine of  
4 Five Thousand Dollars (\$5,000.00) for any subsequent violations.

5 The medical marijuana business may be subject to a revocation of any  
6 license granted pursuant to this act upon a showing that the  
7 violation was willful or grossly negligent.

8 H. 1. First offense for intentional and impermissible  
9 diversion of medical marijuana, concentrate, or products by a  
10 patient or caregiver to an unauthorized person shall not be punished  
11 under a criminal statute but may be subject to a fine of Two Hundred  
12 Dollars (\$200.00).

13 2. The second offense for impermissible diversion of medical  
14 marijuana, concentrate, or products by a patient or caregiver to an  
15 unauthorized person shall not be punished under a criminal statute  
16 but may be subject to a fine of not to exceed Five Hundred Dollars  
17 (\$500.00) and may result in revocation of the license upon a showing  
18 that the violation was willful or grossly negligent.

19 I. The following persons or entities may request a hearing to  
20 contest an action or proposed action of the Department:

21 1. A medical marijuana business, research facility or education  
22 facility licensee whose license has been summarily suspended or who  
23 has received a notice of contemplated action to suspend or revoke a  
24 license or take other disciplinary action; and



1           2. A patient or caregiver licensee whose license has been  
2 summarily suspended or who has received notice of contemplated  
3 action to suspend or revoke a license or take other disciplinary  
4 action.

5           J. Whenever the Department finds that an emergency exists  
6 requiring immediate action in order to protect the public health or  
7 welfare, the Department may issue an order, without notice or  
8 hearing, stating the existence of said emergency and requiring that  
9 action be taken as the Department deems necessary to meet the  
10 emergency. The order shall be effective immediately upon issuance.  
11 Any person to whom the order is directed shall comply immediately  
12 with the provisions of the order but, upon application to the  
13 Department, shall be offered a hearing within ten (10) days of the  
14 issuance of the order. On the basis of said hearing, the Department  
15 shall continue the order in effect, revoke or modify the order.

16           K. All hearings held pursuant to this section shall be in  
17 accordance with the Oklahoma Administrative Procedures Act, ~~Section~~  
18 ~~250 et seq. of Title 75 of the Oklahoma Statutes.~~

19           SECTION 39.           AMENDATORY           Section 7, Chapter 11, O.S.L.  
20 2019, as amended by Section 5, Chapter 509, O.S.L. 2019 (63 O.S.  
21 Supp. 2019, Section 427.7), is amended to read as follows:

22           Section 427.7 A. The Oklahoma Medical Marijuana Authority  
23 shall create a medical marijuana use registry of patients and  
24 caregivers as provided under this section. The handling of any

1 records maintained in the registry shall comply with all ~~relevant~~  
2 applicable state and federal privacy laws ~~including, but not limited~~  
3 ~~to, the Health Insurance Portability and Accountability Act of 1996~~  
4 ~~(HIPAA)~~.

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

6 1. Oklahoma-licensed medical marijuana dispensaries to verify  
7 the license of a patient or caregiver by the twenty-four-character  
8 identifier; and

9 2. Any court in this state.

10 C. All other records regarding a medical marijuana patient  
11 licensee shall be maintained by the Authority and shall be deemed  
12 confidential. The handling of any records maintained by the  
13 Authority shall comply with all ~~relevant~~ applicable state and  
14 federal privacy laws ~~including, but not limited to, the Health~~  
15 ~~Insurance Portability and Accountability Act of 1996 (HIPAA)~~. Such  
16 records shall be marked as confidential, shall not be made available  
17 to the public, and shall only be made available to the licensee,  
18 designee of the licensee, any physician of the licensee or the  
19 caregiver of the licensee.

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

23 E. The Department shall ensure that all ~~application~~ medical  
24 marijuana patient and caregiver records and information are sealed

1 to protect the privacy of medical marijuana patient license  
2 applicants and licensees.

3 SECTION 40. AMENDATORY Section 9, Chapter 11, O.S.L.  
4 2019 (63 O.S. Supp. 2019, Section 427.9), is amended to read as  
5 follows:

6 Section 427.9 A. The Authority may contact the recommending  
7 physician of a licensee or an applicant for a medical marijuana  
8 patient license to verify the need of the applicant or licensee for  
9 the license and the information submitted with the application.

10 B. An applicant for a medical marijuana patient license who can  
11 demonstrate his or her status as a one-hundred-percent-disabled  
12 veteran as determined by the U.S. Department of Veterans Affairs and  
13 codified at 38 C.F.R., Section 3.340(a)(2013) shall pay a reduced  
14 biannual application fee of Twenty Dollars (\$20.00). The methods of  
15 payment, as determined by the Authority, shall be provided on the  
16 website. However, the Authority shall ensure that all applicants  
17 have an option to submit the license application and payment by  
18 means other than solely by submission of the application and fee  
19 online.

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

24

1 SECTION 41. AMENDATORY Section 10, Chapter 11, O.S.L.  
2 2019, as amended by Section 2, Chapter 390, O.S.L. 2019 (63 O.S.  
3 Supp. 2019, Section 427.10), is amended to read as follows:

4 Section 427.10 A. Only licensed Oklahoma allopathic,  
5 osteopathic and podiatric physicians may provide a medical marijuana  
6 recommendation for a medical marijuana patient license under this  
7 act.

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

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

1 the medical condition of a patient or for otherwise violating the  
2 applicable physician-patient standard of care.

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

5 E. If the physician determines the continued use of medical  
6 marijuana by the patient no longer meets the requirements set forth  
7 in this act, the physician shall notify the Department and the  
8 ~~Authority shall immediately revoke the license~~ shall be immediately  
9 voided without a right to an individual hearing.

10 SECTION 42. AMENDATORY Section 11, Chapter 11, O.S.L.  
11 2019 (63 O.S. Supp. 2019, Section 427.11), is amended to read as  
12 follows:

13 Section 427.11 A. The caregiver license shall provide the  
14 caregiver the same rights as the medical marijuana patient licensee,  
15 including the ability to possess marijuana, marijuana products, and  
16 mature and immature plants pursuant to this act, but excluding the  
17 ability to use marijuana or marijuana products unless the caregiver  
18 has a medical marijuana patient license. Caregivers shall be  
19 authorized to deliver marijuana and products to their authorized  
20 patients. Caregivers shall be authorized to possess medical  
21 marijuana and medical marijuana products up to the sum of the  
22 possession limits for the patients under his or her care pursuant to  
23 this act.

24

1 B. An individual caregiver shall be limited to exercising the  
2 marijuana cultivation rights of no more than five licensed patients  
3 as prescribed by this act.

4 C. The license of a caregiver shall not extend beyond the  
5 expiration date of the underlying patient license regardless of the  
6 issue date.

7 D. A medical marijuana patient licensee may request, at any  
8 time, to withdraw his or her caregiver license. In the event that  
9 such a request is made or upon the expiration of the license of the  
10 patient, the caregiver license shall be immediately withdrawn by the  
11 Department without a right to a hearing.

12 SECTION 43. AMENDATORY Section 13, Chapter 11, O.S.L.  
13 2019 (63 O.S. Supp. 2019, Section 427.13), is amended to read as  
14 follows:

15 Section 427.13 A. All medical marijuana and medical marijuana  
16 products shall be purchased solely from an Oklahoma-licensed medical  
17 marijuana business, and shall not be purchased from any out-of-state  
18 providers.

19 B. 1. The Authority shall have oversight and auditing  
20 responsibilities to ensure that all marijuana being grown in  
21 Oklahoma is accounted for and shall implement an inventory tracking  
22 system. Pursuant to these duties, the Authority shall require that  
23 each medical marijuana business, research facility, education  
24 facility and waste disposal facility keep records for every

1 transaction with another medical marijuana business, patient or  
2 caregiver. Inventory shall be tracked and updated after each  
3 individual sale and reported to the Authority.

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

- 7 a. notification of when marijuana seeds are 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 business, research facility,  
22 education facility and waste disposal facility shall use a seed-to-  
23 sale tracking system or integrate its own seed-to-sale tracking  
24

1 system with the seed-to-sale tracking system established by the  
2 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 business that cultivated, manufactured or sold the  
7 medical marijuana or medical marijuana product,

8 b. the address and phone number of the medical marijuana  
9 business that cultivated, manufactured or sold the  
10 medical marijuana or medical marijuana product,

11 c. the type of product received during the transaction,

12 d. the batch number of the marijuana plant used,

13 e. the date of the transaction,

14 f. the total spent in dollars,

15 g. all point-of-sale records,

16 h. marijuana excise tax records, and

17 i. any additional information as may be reasonably  
18 required by the Department.

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

24



1 SECTION 44. AMENDATORY Section 14, Chapter 11, O.S.L.  
2 2019, as amended by Section 6, Chapter 509, O.S.L. 2019 (63 O.S.  
3 Supp. 2019, Section 427.14), is amended to read as follows:

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

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

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

15 C. The Authority shall make available on its website or the  
16 website of the Oklahoma Medical Marijuana Authority in an easy-to-  
17 find location, applications for a medical marijuana business.

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

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

24

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

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

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

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

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

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

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

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

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

24

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

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

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

- 7 a. individual applicants applying on their own behalf,
- 8 b. individuals applying on behalf of an entity,
- 9 c. all principal officers of an entity, and
- 10 d. all owners of an entity as defined by this act;

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

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

- 22 a. an unexpired Oklahoma-issued driver license,
- 23 b. an Oklahoma voter identification card,

- 1 c. a utility bill preceding the date of application,  
2 excluding cellular telephone and Internet bills,  
3 d. a residential property deed to property in the State  
4 of Oklahoma, and  
5 e. a rental agreement preceding the date of application  
6 for residential property located in the State of  
7 Oklahoma. Applicants who were issued a medical  
8 marijuana business license prior to August 30, 2019,  
9 and applicants who submitted a complete medical  
10 marijuana business license application to the  
11 Authority prior to August 30, 2019, and were granted a  
12 medical marijuana business license after August 30,  
13 2019, are hereby exempt from the two-year or five-year  
14 Oklahoma residency requirement mentioned above;

15 12. All license applicants shall be required to submit a  
16 registration with the Oklahoma State Bureau of Narcotics and  
17 Dangerous Drugs Control as provided in Sections ~~2-202~~ 2-302 through  
18 ~~2-204~~ 2-304 of ~~Title 63 of the Oklahoma Statutes~~ this title;

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

- 22 a. front ~~and back~~ of an Oklahoma driver license,  
23 b. front ~~and back~~ of an Oklahoma identification card,  
24

- 1 c. a United States passport or other photo identification  
2 issued by the United States government, or  
3 d. ~~certified copy of the applicant's birth certificate~~  
4 ~~for minor applicants who do not possess a document~~  
5 ~~listed in this section, or~~  
6 e. a tribal identification card approved for  
7 identification purposes by the Oklahoma Department of  
8 Public Safety; and

9 14. All applicants shall submit an applicant photograph.

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

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

17 2. Approved applicants shall be issued a medical marijuana  
18 business license for the specific category applied under which shall  
19 act as proof of their approved status. Rejection and denial letters  
20 shall provide a reason for the rejection or denial. Applications  
21 may only be rejected or denied based on the applicant not meeting  
22 the standards set forth in the provisions of ~~this section~~ the  
23 Oklahoma Medical Marijuana and Patient Protection Act and Sections  
24 420 through 426.1 of this title, improper completion of the

1 application, or for a reason provided for in ~~this act~~ the Oklahoma  
2 Medical Marijuana and Patient Protection Act and Sections 420  
3 through 426.1 of this title. If an application is rejected or  
4 denied for failure to provide required information, the applicant  
5 shall have thirty (30) days to submit the required information for  
6 reconsideration. No additional application fee shall be charged for  
7 such reconsideration.

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

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

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

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

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

22 3. A corporation, if the criminal history of any of its  
23 officers, directors or stockholders indicates that the officer,  
24 director or stockholder has been convicted of a nonviolent felony

1 within two (2) years of the date of application, or within five (5)  
2 years for any other felony;

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

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

7 a. file taxes, interest or penalties due related to a  
8 medical marijuana business, or

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

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

13 7. A person whose authority to be a caregiver as defined in  
14 this act has been revoked by the Department; or

15 8. A ~~publicly traded company~~ person who was involved in the  
16 management or operations of any medical marijuana business, research  
17 facility, education facility or waste disposal facility that has had  
18 a medical marijuana business license revoked by the Department at  
19 any time during the five (5) years preceding submission of the  
20 application.

21 I. In investigating the qualifications of an applicant or a  
22 licensee, the Department, Authority and municipalities may have  
23 access to criminal history record information furnished by a  
24 criminal justice agency subject to any restrictions imposed by such



1 an agency. ~~In the event the Department considers the criminal~~  
2 ~~history record of the applicant, the Department shall also consider~~  
3 ~~any information provided by the applicant regarding such criminal~~  
4 ~~history record, including but not limited to evidence of~~  
5 ~~rehabilitation, character references and educational achievements,~~  
6 ~~especially those items pertaining to the period of time between the~~  
7 ~~last criminal conviction of the applicant and the consideration of~~  
8 ~~the application for a state license.~~

9 J. The failure of an applicant or licensee to provide the  
10 requested information by the Authority deadline may be grounds for  
11 denial of the application.

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

21 L. A licensed medical marijuana business premises shall be  
22 subject to and responsible for compliance with applicable provisions  
23 for medical marijuana business facilities as described in the most  
24 recent versions of the Oklahoma Uniform Building Code, the

1 International Building Code and the International Fire Code, unless  
2 granted an exemption by the ~~Authority or municipality~~ entity  
3 responsible for enforcement of the applicable code.

4 M. All medical marijuana business, research facility, education  
5 facility and waste disposal facility licensees shall pay the  
6 relevant licensure fees prior to receiving licensure to operate a  
7 ~~medical marijuana business, as defined in this act for each class of~~  
8 license.

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

16 O. No medical marijuana business, research facility, education  
17 facility or waste disposal facility shall operate without a valid,  
18 unexpired license issued by the Department.

19 SECTION 45. AMENDATORY Section 16, Chapter 11, O.S.L.  
20 2019 (63 O.S. Supp. 2019, Section 427.16), is amended to read as  
21 follows:

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

1 B. Pursuant to Section 424 of ~~Title 63 of the Oklahoma Statutes~~  
2 this title, the Oklahoma Medical Marijuana Authority shall issue a  
3 medical marijuana transporter license to licensed medical marijuana  
4 commercial growers, processors and dispensaries upon issuance of  
5 such licenses and upon each renewal. Transporter licenses shall  
6 also be issued to licensed research facilities, education facilities  
7 and testing laboratories upon issuance of such licenses and upon  
8 each renewal.

9 C. A medical marijuana transporter license may also be issued  
10 to qualifying applicants who are registered with the Oklahoma  
11 Secretary of State and otherwise meet the requirements for a medical  
12 marijuana business license set forth in this act and the  
13 requirements set forth in this section to provide logistics,  
14 distribution and storage of medical marijuana, medical marijuana  
15 concentrate and medical marijuana products.

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

21 E. A transporter license shall be required for any person or  
22 entity to transport or transfer medical marijuana, concentrate or  
23 product from a licensed medical marijuana business to another  
24 medical marijuana business, or from a medical marijuana business to

1 a medical marijuana research facility or medical marijuana education  
2 facility.

3 F. A medical marijuana transporter licensee may contract with  
4 multiple licensed medical marijuana businesses.

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

12 H. A medical marijuana transporter licensee shall use the seed-  
13 to-sale tracking system developed pursuant to this act to create  
14 shipping manifests documenting the transport of medical marijuana,  
15 concentrate and products throughout the state.

16 I. A licensed medical marijuana transporter may maintain and  
17 operate one or more warehouses in the state to handle medical  
18 marijuana, concentrate and products.

19 J. All medical marijuana, concentrate and product shall be  
20 transported:

21 1. In vehicles equipped with Global Positioning System (GPS)  
22 trackers;

23 2. In a locked container and clearly labeled "Medical Marijuana  
24 or Derivative"; and

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

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

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

13 M. The annual fee for a transporter agent license shall be ~~One~~  
14 ~~Hundred Dollars (\$100.00)~~ Twenty-five Dollars (\$25.00) and shall be  
15 paid by the transporter license holder or the individual applicant.  
16 One license reprint within the licensure period shall be granted  
17 free of charge. All subsequent license reprints shall incur a fee  
18 of Twenty Dollars (\$20.00).

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

- 21 1. The name, address and date of birth of the person;
- 22 2. Proof of current Oklahoma residency ~~as required for a~~  
23 ~~medical marijuana business license;~~

24

1 3. Proof of identity as required for a medical marijuana  
2 business license;

3 4. Possession of a valid Oklahoma driver license;

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

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

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

8 O. If the transporter agent application is denied, the  
9 Department shall notify the transporter in writing of the reason for  
10 denying the registry identification card.

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

15 Q. The Department may revoke the registry identification card  
16 of a transporter agent who knowingly violates any provision of this  
17 section, and the transporter is subject to any other penalties  
18 established by law for the violation.

19 R. The Department may revoke or suspend the transporter license  
20 of a transporter that the Department determines knowingly aided or  
21 facilitated a violation of any provision of this section, and the  
22 licenseholder is subject to any other penalties established in law  
23 for the violation.

24

1 S. Vehicles used in the transport of medical marijuana or  
2 medical marijuana product shall be:

- 3 1. Insured at or above the legal requirements in Oklahoma;
- 4 2. Capable of securing medical marijuana during transport; and
- 5 3. In possession of a shipping container as defined in this act  
6 capable of securing all transported product.

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

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

- 17 2. For the end recipient license holder of the medical  
18 marijuana:
  - 19 a. the license number for the dispensary, commercial  
20 grower, processor, research facility or education  
21 facility destination,
  - 22 b. address of the destination, and
  - 23 c. name and contact information for the destination  
24 licensee;

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

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

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

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

8 7. Notation of the transporting licensee.

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

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

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

18 4. A receiving licensee shall refuse to accept any medical  
19 marijuana or product that is not accompanied by an inventory  
20 manifest.

21 ~~5.~~ 4. Originating and receiving licensees shall maintain copies  
22 of inventory manifests and logs of quantities of medical marijuana  
23 received for ~~three (3)~~ seven (7) years from date of receipt.



1 SECTION 46. AMENDATORY Section 17, Chapter 11, O.S.L.  
2 2019, as amended by Section 4, Chapter 312, O.S.L. 2019 (63 O.S.  
3 Supp. 2019, Section 427.17), is amended to read as follows:

4 Section 427.17 A. There is hereby created a medical marijuana  
5 testing laboratory license as a category of the medical marijuana  
6 business license. The Oklahoma Medical Marijuana Authority is  
7 hereby enabled to monitor, inspect and audit a licensed testing  
8 laboratory under this act.

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

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

21 D. A person who is a direct beneficial owner ~~or an indirect~~  
22 ~~beneficial owner~~ of a medical marijuana dispensary, medical  
23 marijuana commercial grower, or medical marijuana processor shall  
24 not be an owner of a laboratory.

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

4 F. A separate license shall be required for each specific  
5 laboratory.

6 G. A medical marijuana testing laboratory license may be issued  
7 to a person who performs testing ~~and research~~ on medical marijuana  
8 and medical marijuana products for medical marijuana businesses,  
9 medical marijuana research facilities, medical marijuana education  
10 facilities, and testing ~~and research~~ on marijuana and marijuana  
11 products grown or produced by a patient or caregiver on behalf of a  
12 patient, upon verification of registration. No state-approved  
13 medical marijuana testing facility shall operate unless a medical  
14 laboratory director is on site during operational hours.

15 H. ~~A laboratory applicant~~ Laboratory applicants and licensees  
16 shall comply with the application requirements of this section and  
17 shall submit such other information as required for a medical  
18 marijuana business applicant, in addition to any information the  
19 Authority may request for initial approval and periodic evaluations  
20 during the approval period.

21 I. A medical marijuana testing laboratory may accept samples of  
22 medical marijuana, medical marijuana concentrate or medical  
23 marijuana product from a medical marijuana business, research  
24 facility or education facility for testing ~~and research~~ purposes

1 only, which purposes may include the provision of testing services  
2 for samples submitted by a medical marijuana business for product  
3 development. The Department may require a medical marijuana  
4 business to submit a sample of medical marijuana, medical marijuana  
5 concentrate or medical marijuana product to a medical marijuana  
6 testing or quality assurance laboratory upon demand.

7 J. A medical marijuana testing laboratory may accept samples of  
8 medical marijuana, medical marijuana concentrate or medical  
9 marijuana product from an individual person for testing only under  
10 the following conditions:

11 1. The individual person is a patient or caregiver pursuant to  
12 this act or is a participant in an approved clinical or  
13 observational study conducted by a research facility; and

14 2. The medical marijuana testing laboratory shall require the  
15 patient or caregiver to produce a valid patient license and current  
16 and valid photo identification.

17 K. A medical marijuana testing laboratory may transfer samples  
18 to another medical marijuana testing laboratory for testing. All  
19 laboratory reports provided to or by a medical marijuana business or  
20 to a patient or caregiver shall identify the medical marijuana  
21 testing laboratory that actually conducted the test.

22 L. A medical marijuana testing laboratory may utilize a  
23 licensed medical marijuana transporter to transport samples of  
24 medical marijuana, medical marijuana concentrate and medical

1 marijuana product for testing, in accordance with this act and the  
2 rules adopted pursuant thereto, between the originating medical  
3 marijuana business requesting testing services and the destination  
4 laboratory performing testing services.

5 M. The medical marijuana testing laboratory shall establish  
6 policies to prevent the existence of or appearance of undue  
7 commercial, financial or other influences that may diminish the  
8 competency, impartiality and integrity of the testing processes or  
9 results of the laboratory, or that may diminish public confidence in  
10 the competency, impartiality and integrity of the testing processes  
11 or results of the laboratory. At a minimum, employees, owners or  
12 agents of a medical marijuana testing laboratory who participate in  
13 any aspect of the analysis and results of a sample are prohibited  
14 from improperly influencing the testing process, improperly  
15 manipulating data, or improperly benefiting from any ongoing  
16 financial, employment, personal or business relationship with the  
17 medical marijuana business that provided the sample.

18 N. The Department, pursuant to rules promulgated by the State  
19 Commissioner of Health, shall develop standards, policies and  
20 procedures as necessary for:

21 1. The cleanliness and orderliness of a laboratory premises and  
22 the location of the laboratory in a secure location, and inspection,  
23 cleaning and maintenance of any equipment or utensils used for the  
24 analysis of test samples;

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

4           3. Controlled access areas for storage of medical marijuana and  
5 medical marijuana product test samples, waste and reference  
6 standards;

7           4. Records to be retained and computer systems to be utilized  
8 by the laboratory;

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

11          6. A certificate of analysis (COA) for each lot of reference  
12 standard;

13          7. The transport and disposal of unused marijuana, marijuana  
14 products and waste;

15          8. The mandatory use by a laboratory of an inventory tracking  
16 system to ensure all ~~test~~ harvest and production batches or samples  
17 containing medical marijuana, medical marijuana concentrate or  
18 medical marijuana products are identified and tracked from the point  
19 they are transferred from a medical marijuana business, a patient or  
20 a caregiver through the point of transfer, destruction or disposal.  
21 The inventory tracking system reporting shall include the results of  
22 any tests that are conducted on medical marijuana, medical marijuana  
23 concentrate or medical marijuana product;

24          9. Standards of performance;

- 1        10. The employment of laboratory personnel;
- 2        11. A written standard operating procedure manual to be  
3 maintained and updated by the laboratory;
- 4        12. The successful participation in a Department-approved  
5 proficiency testing program for each testing category listed in this  
6 section, in order to obtain and maintain certification;
- 7        13. The establishment of and adherence to a quality assurance  
8 and quality control program to ensure sufficient monitoring of  
9 laboratory processes and quality of results reported;
- 10       14. The establishment by the laboratory of a system to document  
11 the complete chain of custody for samples from receipt through  
12 disposal;
- 13       15. The establishment by the laboratory of a system to retain  
14 and maintain all required records, including business records, and  
15 processes to ensure results are reported in a timely and accurate  
16 manner; and
- 17       16. Any other aspect of laboratory testing of medical marijuana  
18 or medical marijuana product deemed necessary by the Department.
- 19       O. A medical marijuana testing laboratory shall promptly  
20 provide the Department or designee of the Department access to a  
21 report of a test and any underlying data that is conducted on a  
22 sample at the request of a medical marijuana business or qualified  
23 patient. A medical marijuana testing laboratory shall also provide  
24 access to the Department or designee of the Department to laboratory

1 premises and to any material or information requested by the  
2 Department to determine compliance with the requirements of this  
3 section.

4 P. A medical marijuana testing laboratory shall retain all  
5 results of laboratory tests conducted on marijuana or products for a  
6 period of at least ~~two (2)~~ seven (7) years and shall make them  
7 available to the Department upon request.

8 Q. A medical marijuana testing laboratory shall test samples  
9 from each harvest batch or product batch, as appropriate, of medical  
10 marijuana, medical marijuana concentrate and medical marijuana  
11 product for each of the following categories of testing, consistent  
12 with standards developed by the Commissioner:

- 13 1. Microbials;
- 14 2. Mycotoxins;
- 15 3. Residual solvents;
- 16 4. Pesticides;
- 17 5. Tetrahydrocannabinol (THC) and other cannabinoid potency;
- 18 6. Terpenoid potency; and
- 19 7. Heavy metals.

20 R. ~~A test batch shall not exceed ten (10) pounds of usable~~  
21 ~~marijuana or medical marijuana product, as appropriate.~~ A grower  
22 shall separate each harvest lot of usable marijuana into harvest  
23 batches containing no more than ten (10) pounds. A processor shall  
24

1 separate each medical marijuana production lot into production  
2 batches containing no more than ten (10) pounds.

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

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

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

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



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

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

13 2. Growers and processors who achieve process validation under  
14 the rules and regulations set forth by the Department may transfer,  
15 sell or process medical marijuana and medical marijuana products in  
16 accordance with those rules and regulations.

17 SECTION 47. AMENDATORY Section 18, Chapter 11, O.S.L.  
18 2019 (63 O.S. Supp. 2019, Section 427.18), is amended to read as  
19 follows:

20 Section 427.18 A. An Oklahoma medical marijuana business shall  
21 not sell, transfer or otherwise distribute medical marijuana or  
22 medical marijuana product that has not been packaged and labeled in  
23 accordance with this section and rules promulgated by the State  
24 Commissioner of Health.

1 B. A medical marijuana dispensary shall return medical  
2 marijuana and medical marijuana product that does not meet packaging  
3 or labeling requirements in this section or rules promulgated  
4 pursuant thereto to the entity who transferred it to the dispensary.  
5 The medical marijuana dispensary shall document to whom the item was  
6 returned, what was returned and the date of the return or dispose of  
7 any usable marijuana that does not meet these requirements in  
8 accordance with this act.

9 C. 1. Medical marijuana packaging shall be packaged to  
10 minimize its appeal to children and shall not depict images other  
11 than the business name logo of the medical marijuana producer and  
12 image of the product.

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

17 3. Labels on a container shall not include any false or  
18 misleading statements.

19 4. No container shall be intentionally or knowingly labeled so  
20 as to cause a reasonable patient confusion as to whether the medical  
21 marijuana, medical marijuana concentrate or medical marijuana  
22 product is a trademarked product or labeled in a manner that  
23 violates any federal trademark law or regulation.  
24

1 5. The label on the container shall not make any claims  
2 regarding health or physical benefits to the patient.

3 6. All medical marijuana, medical marijuana concentrate and  
4 medical marijuana products shall be in a child-resistant container  
5 at the point of transfer to the patient or caregiver.

6 D. The State Department of Health shall develop minimum  
7 standards for packaging and labeling of medical marijuana and  
8 medical marijuana products. Such standards shall include, but not  
9 be limited to, the required contents of labels to be affixed to all  
10 medical marijuana and medical marijuana products prior to transfer  
11 to a licensed patient or caregiver, which shall include, at a  
12 minimum:

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

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

16 ~~3.~~ 2. A statement indicating that the product has been tested  
17 for contaminants;

18 ~~4.~~ 3. One or more product warnings to be determined by the  
19 Department; and

20 ~~5.~~ 4. Any other information the Department deems necessary.

21 SECTION 48. AMENDATORY Section 19, Chapter 11, O.S.L.  
22 2019 (63 O.S. Supp. 2019, Section 427.19), is amended to read as  
23 follows:  
24

1 Section 427.19 A. A medical marijuana research license may be  
2 issued to a person to grow, cultivate, possess and transfer, by sale  
3 or donation, marijuana pursuant to this act for the limited research  
4 purposes identified in this section.

5 B. The annual fee for a medical marijuana research license  
6 shall be Five Hundred Dollars (\$500.00) and shall be payable by an  
7 applicant for a medical marijuana research license upon submission  
8 of his or her application to the Authority.

9 C. A medical marijuana research license may be issued for the  
10 following research purposes:

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

20 D. 1. As part of the application process for a medical  
21 marijuana research license, an applicant shall submit to the  
22 Authority a description of the research that the applicant intends  
23 to conduct and whether the research will be conducted with a public  
24 institution or using public money. If the research will not be

1 conducted with a public institution or with public money, the  
2 Authority shall grant the application if it determines that the  
3 applicant meets the criteria in this section.

4 2. If the research will be conducted with a public institution  
5 or public money, the Department shall review the research project of  
6 the applicant to determine if it meets the requirements of this  
7 section and to assess the following:

- 8 a. the quality, study design, value or impact of the  
9 project,
- 10 b. whether the applicant has the appropriate personnel,  
11 expertise, facilities, infrastructure, funding and  
12 human, animal or other approvals in place to  
13 successfully conduct the project, and
- 14 c. whether the amount of marijuana to be grown by the  
15 applicant is consistent with the scope and goals of  
16 the project.

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

20 E. A medical marijuana research licensee may only transfer, by  
21 sale or donation, marijuana grown within its operation to other  
22 medical marijuana research licensees. The Department may revoke a  
23 medical marijuana research license for violations of this section  
24 and any other violation of this act.

1 F. A medical marijuana research licensee may contract to  
2 perform research in conjunction with a public higher education  
3 research institution or another medical marijuana research licensee.

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

13 H. If the research conducted includes a public institution or  
14 public money, the Authority shall review any reports made by medical  
15 marijuana research licensees under state licensing authority rule  
16 and provide the Authority with its determination on whether the  
17 research project continues to meet research qualifications pursuant  
18 to this section.

19 SECTION 49. AMENDATORY Section 20, Chapter 11, O.S.L.  
20 2019 (63 O.S. Supp. 2019, Section 427.20), is amended to read as  
21 follows:

22 Section 427.20 A. There is hereby created a medical marijuana  
23 education facility license.

24

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

4 C. A medical marijuana education facility license may only be  
5 granted to a not-for-profit organization structured under Section  
6 501(c)(3) of the Internal Revenue Code, operating as an Oklahoma  
7 not-for-profit registered organization with the Office of the  
8 Secretary of State.

9 D. A medical marijuana education facility license may only be  
10 granted upon the submission of ~~a~~ an annual fee of Five Hundred  
11 Dollars (\$500.00) to the Authority.

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

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

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

18 3. To demonstrate the application and use of product  
19 manufacturing technologies;

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

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

24

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

- 12 1. The quality, study design, value or impact of the project;
- 13 2. Whether the applicant has the appropriate personnel,  
14 expertise, facilities, infrastructure, funding, and human, animal or  
15 other approvals in place to successfully conduct the project; and
- 16 3. Whether the amount of marijuana to be grown by the applicant  
17 is consistent with the scope and goals of the project.

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

21 G. A medical marijuana education facility licensee may only  
22 transfer, by sale or donation, marijuana grown within its operation  
23 to medical marijuana research licensees. The Department may revoke  
24 a medical marijuana education facility license for violations of



1 this section and any other violation of ~~this act~~ applicable laws,  
2 rules and regulations.

3 H. A medical marijuana education facility licensee may contract  
4 to perform research in conjunction with a public higher education  
5 research institution or another research licensee.

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

16 SECTION 50. AMENDATORY Section 22, Chapter 11, O.S.L.  
17 2019 (63 O.S. Supp. 2019, Section 427.22), is amended to read as  
18 follows:

19 Section 427.22 A. ~~An~~ All patient and caregiver records and  
20 information, including, without limitation, an application or  
21 renewal and supporting information submitted by a qualifying patient  
22 or designated caregiver under the provisions of ~~this act including,~~  
23 ~~without limitation,~~ the Oklahoma Medical Marijuana and Patient  
24 Protection Act and information regarding the physician of the

1 qualifying patient, shall be considered confidential medical records  
2 that are exempt from the Oklahoma Open Records Act.

3 B. The dispensary records with patient information shall be  
4 treated as confidential records that are exempt from the Oklahoma  
5 Open Records Act.

6 C. All financial information provided by an applicant in its  
7 application to the Authority or licensee shall be treated as  
8 confidential records that are exempt from the Oklahoma Open Records  
9 Act.

10 D. All information provided by an applicant or licensee that  
11 constitutes private business information shall be treated as  
12 confidential records that are exempt from the Oklahoma Open Records  
13 Act.

14 E. As used in this section, "private business information"  
15 means information that, if disclosed, would give advantage to  
16 competitors or bidders including, but not limited to, information  
17 related to the planning, ~~site location,~~ operations, strategy, or  
18 product development and marketing of an applicant, unless approval  
19 for release of those records is granted by the business.

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

24

1        G. Except for license information concerning licensed patients,  
2 the Authority may share confidential information with the Oklahoma  
3 Tax Commission to assist the Oklahoma Tax Commission in ensuring  
4 compliance with applicable laws, rules and regulations.

5        SECTION 51.        AMENDATORY        Section 23, Chapter 11, O.S.L.  
6 2019, as amended by Section 11, Chapter 477, O.S.L. 2019 (63 O.S.  
7 Supp. 2019, Section 427.23), is amended to read as follows:

8        Section 427.23 A. The State Commissioner of Health, the  
9 Oklahoma Tax Commission, the State Treasurer, the Secretary of State  
10 and the Director of the Office of Management and Enterprise Services  
11 shall promulgate rules to implement the provisions of this act.

12        B. The ~~Food Safety Standards Board~~ Medical Marijuana Advisory  
13 Council, in addition to the powers and duties granted in Section 423  
14 of ~~Title 63 of the Oklahoma Statutes~~ this title, may recommend to  
15 the State Commissioner of Health rules relating to all aspects ~~of~~  
16 regarding the safe cultivation and manufacture manufacturing of  
17 medical marijuana products. In addition to the twelve members  
18 required in Section 423 of this title, the State Department of  
19 Health may appoint up to eight additional members. The makeup of  
20 the Medical Marijuana Advisory Council shall include medical  
21 marijuana industry representation.

22        SECTION 52.        NEW LAW        A new section of law to be codified  
23 in the Oklahoma Statutes as Section 427.24 of Title 63, unless there  
24 is created a duplication in numbering, reads as follows:

1           A. Whenever an authorized agent of the State Department of  
2 Health finds, in whole or in part, that:

3           1. Any medical marijuana or medical marijuana product fails to  
4 meet the requirements of Sections 420 through 426.1 of Title 63 of  
5 the Oklahoma Statutes and the Oklahoma Medical Marijuana and Patient  
6 Protection Act, as it relates to health and safety;

7           2. The medical marijuana or medical marijuana product is  
8 handled in violation of applicable laws or rules and regulations of  
9 the Department; or

10          3. The medical marijuana or medical marijuana product may be  
11 poisonous, deleterious to health, or is otherwise unsafe,  
12 a tag or other appropriate marking shall be affixed to the medical  
13 marijuana or medical marijuana product. The tag or other  
14 appropriate marking shall give notice that the medical marijuana or  
15 medical marijuana product is or is suspected of being manufactured,  
16 produced, transferred, sold, or offered for sale in violation of  
17 applicable laws or rules and regulations of the Department. The tag  
18 or other appropriate marking shall also give notice that the medical  
19 marijuana or medical marijuana product is embargoed and shall  
20 provide a warning that all persons shall be prohibited from removing  
21 or disposing of the medical marijuana or medical marijuana product  
22 until permission for removal or disposal is given by the State  
23 Commissioner of Health. It shall be unlawful for any person to  
24

1 remove or dispose of the embargoed medical marijuana or medical  
2 marijuana product without permission.

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

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

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

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

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

9 1. The violation can be corrected by proper processing of the  
10 medical marijuana or medical marijuana product;

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

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

14 The expense of supervision shall be paid to the Commissioner by the  
15 person obtaining release of the medical marijuana or medical  
16 marijuana product under bond.

17 SECTION 53. AMENDATORY Section 2, Chapter 337, O.S.L.  
18 2019 (63 O.S. Supp. 2019, Section 428.1), is amended to read as  
19 follows:

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

22 1. "Authority" shall mean the Oklahoma Medical Marijuana  
23 Authority, or successor agency;

24

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

4        3. "Disposal" shall mean the ~~final~~ disposition of medical  
5 marijuana waste by ~~either~~ a process which renders the waste unusable  
6 and unrecognizable through physical destruction or a recycling  
7 process;

8        4. "Facility" shall mean ~~a location~~ the licensed or permitted  
9 premises where the disposal of medical marijuana waste takes place  
10 by a licensee;

11       5. "License" shall mean a medical marijuana waste disposal  
12 license;

13       6. "Licensee" shall mean the holder of a medical marijuana  
14 waste disposal license;

15       7. "Medical marijuana waste" shall mean unused, surplus,  
16 returned or out-of-date marijuana and plant debris of the plant of  
17 the genus Cannabis, including dead plants and all unused plant  
18 parts, except the term shall not include seeds, roots, stems, stalks  
19 and fan leaves; and

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

23  
24

1 SECTION 54. AMENDATORY Section 3, Chapter 337, O.S.L.  
2 2019 (63 O.S. Supp. 2019, Section 429), is amended to read as  
3 follows:

4 Section 429. A. Medical marijuana waste shall be subject to  
5 the provisions of this act and shall not be subject to the  
6 provisions of the Uniform Controlled Dangerous Substances Act.  
7 Nothing in this act shall alter or affect the jurisdictional areas  
8 of environmental responsibility of the Department of Environmental  
9 Quality as provided for in Title 27A of the Oklahoma Statutes.

10 B. Commercial licensees, medical marijuana research facilities  
11 and medical marijuana education facilities shall be authorized to  
12 destroy the following marijuana plant parts without being required  
13 to utilize the services of a medical marijuana waste disposal  
14 facility:

- 15 1. ~~Root balls~~ Roots;
- 16 2. Stems;
- 17 3. Fan leaves; ~~and~~
- 18 4. Seeds; ~~and~~
- 19 5. Stalks.

20 Unless restricted by local ordinance, commercial licensees,  
21 medical marijuana research facilities and medical marijuana  
22 education facilities shall be authorized to destroy the above-listed  
23 marijuana plant parts on-site by open burning, incineration,  
24



1 burying, mulching, composting or any other technique approved by the  
2 Department of Environmental Quality.

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

16 SECTION 55. AMENDATORY Section 4, Chapter 337, O.S.L.  
17 2019 (63 O.S. Supp. 2019, Section 430), is amended to read as  
18 follows:

19 Section 430. A. There is hereby created and authorized a  
20 medical marijuana waste disposal license. A person or entity in  
21 possession of a medical marijuana waste disposal license shall be  
22 entitled to possess, transport and dispose of medical marijuana  
23 waste. No person or entity shall possess, transport or dispose of  
24 medical marijuana waste without a valid medical marijuana waste

1 disposal license. The Oklahoma Medical Marijuana Authority shall  
2 issue licenses upon proper application by a licensee and  
3 determination by the Authority that the proposed site and facility  
4 are physically and technically suitable. Upon a finding that a  
5 proposed medical marijuana waste disposal facility is not physically  
6 or technically suitable, the Authority shall deny the license. The  
7 Authority may, upon determining that public health or safety  
8 requires emergency action, issue a temporary license for treatment  
9 or storage of medical marijuana waste for a period not to exceed  
10 ninety (90) days. The Authority shall not, for the first year of  
11 the licensure program, issue more than ten licenses. Upon the  
12 conclusion of the first year, the Authority shall assess the need  
13 for additional licenses and shall, if demonstrated, increase the  
14 number of licenses as deemed necessary by the Authority.

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

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

- 19 a. an attestation that the applicant is authorized to  
20 make application on behalf of the entity,
- 21 b. full name of the organization,
- 22 c. trade name, if applicable,
- 23 d. type of business organization,
- 24 e. complete mailing address,

- f. an attestation that the commercial entity will not be located on tribal land,
- g. telephone number and email address of the entity, and
- h. name, residential address and date of birth of each owner and each member, manager and board member, if applicable;

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

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

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

- 1 a. a list of all persons or entities that have an  
2 ownership interest in the entity,
- 3 b. a certificate of good standing from the Oklahoma  
4 Secretary of State, if applicable,
- 5 c. an Affidavit of Lawful Presence for each owner,
- 6 d. proof that the proposed location of the disposal  
7 facility is at least one thousand (1,000) feet from a  
8 public or private school. The distance indicated in  
9 this subparagraph shall be measured from ~~any entrance~~  
10 the nearest property line of the public or private  
11 school to the nearest property line point front  
12 entrance of the disposal facility. If any public or  
13 private school is established within one thousand  
14 (1,000) feet of any disposal facility after such  
15 disposal facility has been licensed, the provisions of  
16 this subparagraph shall not be a deterrent to the  
17 renewal of such license or warrant revocation of the  
18 license, and
- 19 e. documents establishing the applicant, the members,  
20 managers and board members, if applicable, and  
21 seventy-five percent (75%) of the ownership interests  
22 are Oklahoma residents as established in Section 420  
23 ~~et seq. of Title 63 of the Oklahoma Statutes~~ of this  
24 title, as it relates to proof of residency.

1 C. No license shall be issued except upon proof of sufficient  
2 liability insurance and financial responsibility. Liability  
3 insurance shall be provided by the applicant and shall apply to  
4 sudden and nonsudden bodily injury or property damage on, below or  
5 above the surface, as required by the rules of the Authority. Such  
6 insurance shall be maintained for the period of operation of the  
7 facility and shall provide coverage for damages resulting from  
8 operation of the facility during operation and after closing. ~~In~~  
9 ~~lieu of liability insurance required by this subsection, an~~  
10 ~~equivalent amount of cash, securities, bond or alternate financial~~  
11 ~~assurance, of a type and in an amount acceptable to the Authority,~~  
12 ~~may be substituted; provided, that such deposit shall be maintained~~  
13 ~~for a period of five (5) years after the date of last operation of~~  
14 ~~the facility.~~

15 D. Submission of an application for a medical marijuana waste  
16 disposal license shall constitute permission for entry to and  
17 inspection of the facility of the licensee during hours of operation  
18 and other reasonable times. Refusal to permit such entry of  
19 inspection shall constitute grounds for the nonrenewal, suspension  
20 or revocation of a license. The Authority may perform an annual  
21 unannounced on-site inspection of the operations and any facility of  
22 the licensee. If the Authority receives a complaint concerning  
23 noncompliance by a licensee with the provisions of this act, the  
24 Authority may conduct additional unannounced, on-site inspections

1 beyond an annual inspection. The Authority shall refer all  
2 complaints alleging criminal activity that are made against a  
3 licensed facility to appropriate state or local law enforcement  
4 authorities.

5 E. The Authority shall issue ~~a~~ an annual permit for each  
6 medical marijuana waste disposal facility operated by a licensee. A  
7 permit shall be issued only upon proper application by a licensee  
8 and determination by the Authority that the proposed site and  
9 facility are physically and technically suitable. Upon a finding  
10 that a proposed medical marijuana waste disposal facility is not  
11 physically or technically suitable, the Authority shall deny the  
12 permit. The Authority shall have the authority to revoke a permit  
13 upon a finding that the site and facility are not physically and  
14 technically suitable for processing. The Authority may, upon  
15 determining that public health or safety requires emergency action,  
16 issue a temporary permit for treatment or storage of medical  
17 marijuana waste for a period not to exceed ninety (90) days.

18 F. The cost of a medical marijuana waste disposal license shall  
19 be Five Thousand Dollars (\$5,000.00) for the initial license. The  
20 cost of a medical marijuana waste disposal facility permit shall be  
21 Five Hundred Dollars (\$500.00). A medical marijuana waste disposal  
22 facility permit that has been revoked shall be reinstated upon  
23 remittance of a reinstatement fee of Five Hundred Dollars (\$500.00)  
24 to restore the facility permit. All license and permit fees shall

1 be deposited into the ~~Public Health Special Fund~~ Oklahoma Medical  
2 Marijuana Authority Revolving Fund as provided in Section ~~1-107~~  
3 427.5 of ~~Title 63 of the Oklahoma Statutes~~ this title.

4 G. The holder of a medical marijuana waste disposal license  
5 shall not be required to obtain a medical marijuana transporter  
6 license provided for in the Oklahoma Medical Marijuana and Patient  
7 Protection Act for purposes of transporting medical marijuana waste.

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

12 I. The State Commissioner of Health shall promulgate rules for  
13 the implementation of this act. Promulgated rules shall address  
14 disposal process standards, site security and any other subject  
15 matter deemed necessary by the Authority.

16 SECTION 56. This act shall become effective November 1, 2020.

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1 Passed the House of Representatives the 11th day of March, 2020.

2  
3 \_\_\_\_\_  
4 Presiding Officer of the House  
of Representatives

5 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2020.

6  
7  
8 \_\_\_\_\_  
9 Presiding Officer of the Senate