

1 ENGROSSED SENATE AMENDMENT
TO
2 ENGROSSED HOUSE
BILL NO. 4055

By: Marti, Davis, Talley, and
McDugle of the House

and

Paxton of the Senate

8 An Act relating to medical marijuana; requiring
9 public utilities to report certain monthly commodity
10 usage to the Oklahoma Medical Marijuana Authority;
11 requiring licensed medical marijuana commercial
12 growers to inform public utility as to their license
13 status by certain time; requiring submission of
14 certain monthly report in certain format to the
15 Authority; amending 63 O.S. 2021, Section 427.3,
16 which relates to powers and duties of the Oklahoma
17 Medical Marijuana Authority; requiring establishment
18 of procedure to monitor and collect certain commodity
19 usage information for licensed medical marijuana
20 commercial growers; providing for submission of
21 certain information; requiring submission be in
22 certain form; requiring the development of certain
23 rules and necessary procedures; providing for license
24 revocation; providing for codification; and providing
an effective date.

AMENDMENT NO. 1. Page 1, strike the title to read

"[medical marijuana - public utilities to report
certain monthly commodity usage - growers to inform
public utility as to their license status - monthly
report - procedure to monitor and collect certain
commodity usage information - codification -
effective date]"

1 Passed the Senate the 27th day of April, 2022.

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4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2022.

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8 _____
9 Presiding Officer of the House
10 of Representatives

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an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 180.12 of Title 17, unless there
is created a duplication in numbering, reads as follows:

Public utilities, as defined in Section 151 of Title 17 of the
Oklahoma Statutes, shall report to the Oklahoma Medical Marijuana

1 Authority the amount of any commodity supplied by the public utility
2 to licensed medical marijuana commercial grower operations in this
3 state. Existing licensed medical marijuana commercial growers shall
4 be required to inform the public utility as to their status as a
5 licensed medical marijuana commercial grower within thirty (30) days
6 after the effective date of this act. Licensed medical marijuana
7 commercial growers that receive a license after the effective date
8 of this act shall inform the public utility of their status as a
9 licensed medical marijuana commercial grower at the time of
10 connection of services. Public utilities shall submit monthly
11 reports to the Authority providing the names and addresses of and
12 the amounts of commodities supplied to the licensed medical
13 marijuana commercial growers. The monthly reports shall be
14 submitted in an electronic format that is integrated with the
15 Authority's seed-to-sale software.

16 SECTION 2. AMENDATORY 63 O.S. 2021, Section 427.3, is
17 amended to read as follows:

18 Section 427.3 A. There is hereby created the Oklahoma Medical
19 Marijuana Authority within the State Department of Health which
20 shall address issues related to the medical marijuana program in
21 Oklahoma including, but not limited to, the issuance of patient
22 licenses and medical marijuana business licenses, and the
23 dispensing, cultivating, processing, testing, transporting, storage,
24

1 research, and the use of and sale of medical marijuana pursuant to
2 the Oklahoma Medical Marijuana and Patient Protection Act.

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

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

11 D. The Department shall exercise its respective powers and
12 perform its respective duties and functions as specified in the
13 Oklahoma Medical Marijuana and Patient Protection Act and this title
14 including, but not 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
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1 as specified in the Oklahoma Medical Marijuana and Patient
2 Protection Act;

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

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

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

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

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

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

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

5 10. Establish a fee schedule and collect fees for material
6 changes requested by the licensee; ~~and~~

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

- 13 a. the square footage of the licensed premises,
- 14 b. a diagram of the licensed premises,
- 15 c. the number and type of lights at the licensed medical
16 marijuana commercial grower business,
- 17 d. the number, type and production capacity of equipment
18 located at the medical marijuana processing facility,
- 19 e. the names, addresses and telephone numbers of
20 employees or agents of a medical marijuana business,
- 21 f. employment manuals and standard operating procedures
22 for the medical marijuana business, and
- 23 g. any other information as the Authority reasonably
24 deems necessary; and

1 12. Establish a procedure for monitoring and collecting
2 licensed medical marijuana commercial growers' monthly usage of
3 commodities provided by public utility companies. The Authority
4 shall provide public utility companies with a means to submit
5 monthly reports regarding the names and addresses of and the amounts
6 of commodities supplied to licensed medical marijuana commercial
7 growers. The Authority shall require monthly usage reports to be
8 submitted in an electronic format that is integrated with the
9 Authority's seed-to-sale software. In addition, the Authority shall
10 develop rules and any necessary procedures for the metering of the
11 usage of water, electricity, or other forms of commodities used by
12 licensed medical marijuana commercial growers that are not supplied
13 by public utility companies including, but not limited to, the usage
14 of well water and gas-powered generators. Refusal or failure to
15 submit the required monthly usage reports by a medical marijuana
16 commercial grower licensee shall result in the permanent revocation
17 of the medical marijuana commercial grower license.

18 SECTION 3. This act shall become effective November 1, 2022.

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1 Passed the House of Representatives the 23rd day of March, 2022.

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4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2022.

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9 Presiding Officer of the Senate