

1 ENGROSSED HOUSE AMENDMENT

TO

2 ENGROSSED SENATE BILL NO. 1185

By: Paxton and Pittman of the
Senate

3

and

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Echols and Dollens of the
House

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An Act relating to industrial hemp; amending 63 O.S.
2011, Section 2-101, as last amended by Section 1,
Chapter 43, O.S.L. 2017 (63 O.S. Supp. 2017, Section
2-101), which relates to the Uniform Controlled
Dangerous Substances Act; amending definition;
creating the Oklahoma Industrial Hemp Agricultural
Pilot Program; defining terms; authorizing a licensee
to engage in the growth and cultivation of industrial
hemp for certain purposes; limiting liability;
requiring application to the Oklahoma Department of
Agriculture, Food, and Forestry; providing
application content requirements; providing certain
acknowledgements and agreements upon application
submission; requiring certain application fee;
directing the Department to establish certain fee
schedule; providing length of valid license;
providing license renewal process; requiring
activities be done with a valid license; requiring
certain plants not harvested or destroyed be
declared; requiring submission of information for
certain land alterations or changes to information;
directing the Department to promulgate rules;
directing the Department to establish a Certified
Seed Program; allowing certain varieties of
industrial hemp be approved; requiring the Department
to maintain a list of certified seeds; requiring a
harvest report; providing for routine inspection and
sampling of plants of the licensee with certain
notice; providing for additional inspection and
sampling under certain conditions and circumstances;
providing inspection procedure requirements;
requiring the licensee to pay for inspection and lab
analysis with exception; directing the Department to

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1 promulgate rules; authorizing denial, revocation or
2 suspension of license under certain circumstances;
3 prohibiting penalty for certain sample testing
4 levels; directing the Department to study certain
5 funding possibilities; creating revolving fund;
6 authorizing expenditures of funds under certain
7 conditions; providing for codification; and providing
8 an effective date.

9 AMENDMENT NO. 1. Replace the title, enacting clause and entire bill
10 and insert

11 "An Act relating to industrial hemp; amending 63 O.S.
12 2011, Section 2-101, as last amended by Section 1,
13 Chapter 43, O.S.L. 2017 (63 O.S. Supp. 2017, Section
14 2-101), which relates to the Uniform Controlled
15 Dangerous Substances Act; modifying manner in which
16 industrial hemp may be grown in Oklahoma; creating
17 the Oklahoma Industrial Hemp Agricultural Pilot
18 Program; defining terms; authorizing a licensee to
19 engage in the growth and cultivation of industrial
20 hemp for certain purposes; limiting liability;
21 requiring application to the Oklahoma Department of
22 Agriculture, Food, and Forestry; providing
23 application content requirements; providing certain
24 acknowledgements and agreements upon application
submission; requiring certain application fee;
directing the Department to establish certain fee
schedule; providing length of valid license;
providing license renewal process; requiring
activities be done with a valid license; requiring
certain plants not harvested or destroyed be
declared; requiring submission of information for
certain land alterations or changes to information;
directing the Department to promulgate rules;
directing the Department to establish a Certified
Seed Program; allowing certain varieties of
industrial hemp be approved; requiring the
Department to maintain a list of certified seeds;
requiring a harvest report; providing for routine
inspection and sampling of plants of the licensee
with certain notice; providing for additional
inspection and sampling under certain conditions and

1 circumstances; providing inspection procedure
2 requirements; requiring the licensee to pay for
3 inspection and lab analysis with exception;
4 directing the Department to promulgate rules;
5 authorizing denial, revocation or suspension of
6 license under certain circumstances; prohibiting
7 penalty for certain sample testing levels; directing
8 the Department to study certain funding
9 possibilities; creating revolving fund; authorizing
10 expenditures of funds under certain conditions;
11 providing for codification; and providing an
12 effective date.

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

10 SECTION 1. AMENDATORY 63 O.S. 2011, Section 2-101, as
11 last amended by Section 1, Chapter 43, O.S.L. 2017 (63 O.S. Supp.
12 2017, Section 2-101), is amended to read as follows:

13 Section 2-101. As used in the Uniform Controlled Dangerous
14 Substances Act:

15 1. "Administer" means the direct application of a controlled
16 dangerous substance, whether by injection, inhalation, ingestion or
17 any other means, to the body of a patient, animal or research
18 subject by:

19 a. a practitioner (or, in the presence of the
20 practitioner, by the authorized agent of the
21 practitioner), or

22 b. the patient or research subject at the direction and
23 in the presence of the practitioner;

1 2. "Agent" means a peace officer appointed by and who acts on
2 behalf of the Director of the Oklahoma State Bureau of Narcotics and
3 Dangerous Drugs Control or an authorized person who acts on behalf
4 of or at the direction of a person who manufactures, distributes,
5 dispenses, prescribes, administers or uses for scientific purposes
6 controlled dangerous substances but does not include a common or
7 contract carrier, public warehouse or employee thereof, or a person
8 required to register under the Uniform Controlled Dangerous
9 Substances Act;

10 3. "Board" means the Advisory Board to the Director of the
11 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control;

12 4. "Bureau" means the Oklahoma State Bureau of Narcotics and
13 Dangerous Drugs Control;

14 5. "Coca leaves" includes cocaine and any compound,
15 manufacture, salt, derivative, mixture or preparation of coca
16 leaves, except derivatives of coca leaves which do not contain
17 cocaine or ecgonine;

18 6. "Commissioner" or "Director" means the Director of the
19 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control;

20 7. "Control" means to add, remove or change the placement of a
21 drug, substance or immediate precursor under the Uniform Controlled
22 Dangerous Substances Act;

23 8. "Controlled dangerous substance" means a drug, substance or
24 immediate precursor in Schedules I through V of the Uniform

1 Controlled Dangerous Substances Act or any drug, substance or
2 immediate precursor listed either temporarily or permanently as a
3 federally controlled substance. Any conflict between state and
4 federal law with regard to the particular schedule in which a
5 substance is listed shall be resolved in favor of state law;

6 9. "Counterfeit substance" means a controlled substance which,
7 or the container or labeling of which without authorization, bears
8 the trademark, trade name or other identifying marks, imprint,
9 number or device or any likeness thereof of a manufacturer,
10 distributor or dispenser other than the person who in fact
11 manufactured, distributed or dispensed the substance;

12 10. "Deliver" or "delivery" means the actual, constructive or
13 attempted transfer from one person to another of a controlled
14 dangerous substance or drug paraphernalia, whether or not there is
15 an agency relationship;

16 11. "Dispense" means to deliver a controlled dangerous
17 substance to an ultimate user or human research subject by or
18 pursuant to the lawful order of a practitioner, including the
19 prescribing, administering, packaging, labeling or compounding
20 necessary to prepare the substance for such distribution.

21 "Dispenser" is a practitioner who delivers a controlled dangerous
22 substance to an ultimate user or human research subject;

23 12. "Distribute" means to deliver other than by administering
24 or dispensing a controlled dangerous substance;

1 13. "Distributor" means a commercial entity engaged in the
2 distribution or reverse distribution of narcotics and dangerous
3 drugs and who complies with all regulations promulgated by the
4 federal Drug Enforcement Administration and the Oklahoma State
5 Bureau of Narcotics and Dangerous Drugs Control;

6 14. "Drug" means articles:

7 a. recognized in the official United States

8 Pharmacopoeia, official Homeopathic Pharmacopoeia of
9 the United States, or official National Formulary, or
10 any supplement to any of them,

11 b. intended for use in the diagnosis, cure, mitigation,
12 treatment or prevention of disease in man or other
13 animals,

14 c. other than food, intended to affect the structure or
15 any function of the body of man or other animals, and

16 d. intended for use as a component of any article
17 specified in this paragraph;

18 provided, however, the term "drug" does not include devices or their
19 components, parts or accessories;

20 15. "Drug-dependent person" means a person who is using a
21 controlled dangerous substance and who is in a state of psychic or
22 physical dependence, or both, arising from administration of that
23 controlled dangerous substance on a continuous basis. Drug
24 dependence is characterized by behavioral and other responses which

1 include a strong compulsion to take the substance on a continuous
2 basis in order to experience its psychic effects, or to avoid the
3 discomfort of its absence;

4 16. "Home care agency" means any sole proprietorship,
5 partnership, association, corporation, or other organization which
6 administers, offers, or provides home care services, for a fee or
7 pursuant to a contract for such services, to clients in their place
8 of residence;

9 17. "Home care services" means skilled or personal care
10 services provided to clients in their place of residence for a fee;

11 18. "Hospice" means a centrally administered, nonprofit or
12 profit, medically directed, nurse-coordinated program which provides
13 a continuum of home and inpatient care for the terminally ill
14 patient and the patient's family. Such term shall also include a
15 centrally administered, nonprofit or profit, medically directed,
16 nurse-coordinated program if such program is licensed pursuant to
17 the provisions of this act. A hospice program offers palliative and
18 supportive care to meet the special needs arising out of the
19 physical, emotional and spiritual stresses which are experienced
20 during the final stages of illness and during dying and bereavement.
21 This care is available twenty-four (24) hours a day, seven (7) days
22 a week, and is provided on the basis of need, regardless of ability
23 to pay. "Class A" Hospice refers to Medicare certified hospices.
24 "Class B" refers to all other providers of hospice services;

1 19. "Imitation controlled substance" means a substance that is
2 not a controlled dangerous substance, which by dosage unit
3 appearance, color, shape, size, markings or by representations made,
4 would lead a reasonable person to believe that the substance is a
5 controlled dangerous substance. In the event the appearance of the
6 dosage unit is not reasonably sufficient to establish that the
7 substance is an "imitation controlled substance", the court or
8 authority concerned should consider, in addition to all other
9 factors, the following factors as related to "representations made"
10 in determining whether the substance is an "imitation controlled
11 substance":

- 12 a. statements made by an owner or by any other person in
13 control of the substance concerning the nature of the
14 substance, or its use or effect,
- 15 b. statements made to the recipient that the substance
16 may be resold for inordinate profit,
- 17 c. whether the substance is packaged in a manner normally
18 used for illicit controlled substances,
- 19 d. evasive tactics or actions utilized by the owner or
20 person in control of the substance to avoid detection
21 by law enforcement authorities,
- 22 e. prior convictions, if any, of an owner, or any other
23 person in control of the object, under state or
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1 federal law related to controlled substances or fraud,
2 and

3 f. the proximity of the substances to controlled
4 dangerous substances;

5 20. "Immediate precursor" means a substance which the Director
6 has found to be and by regulation designates as being the principal
7 compound commonly used or produced primarily for use, and which is
8 an immediate chemical intermediary used, or likely to be used, in
9 the manufacture of a controlled dangerous substance, the control of
10 which is necessary to prevent, curtail or limit such manufacture;

11 21. "Laboratory" means a laboratory approved by the Director as
12 proper to be entrusted with the custody of controlled dangerous
13 substances and the use of controlled dangerous substances for
14 scientific and medical purposes and for purposes of instruction;

15 22. "Manufacture" means the production, preparation,
16 propagation, compounding or processing of a controlled dangerous
17 substance, either directly or indirectly by extraction from
18 substances of natural or synthetic origin, or independently by means
19 of chemical synthesis or by a combination of extraction and chemical
20 synthesis. "Manufacturer" includes any person who packages,
21 repackages or labels any container of any controlled dangerous
22 substance, except practitioners who dispense or compound
23 prescription orders for delivery to the ultimate consumer;

1 23. "~~Marihuana~~ Marijuana" means all parts of the plant Cannabis
2 sativa L., whether growing or not; the seeds thereof; the resin
3 extracted from any part of such plant; and every compound,
4 manufacture, salt, derivative, mixture or preparation of such plant,
5 its seeds or resin, but shall not include:

6 a. the mature stalks of such plant or fiber produced from
7 such stalks,

8 b. oil or cake made from the seeds of such plant,
9 including cannabidiol derived from the seeds of the
10 ~~marihuana~~ marijuana plant,

11 c. any other compound, manufacture, salt, derivative,
12 mixture or preparation of such mature stalks (except
13 the resin extracted therefrom), including cannabidiol
14 derived from mature stalks, fiber, oil or cake,

15 d. the sterilized seed of such plant which is incapable
16 of germination,

17 e. for any person participating in a clinical trial to
18 administer cannabidiol for the treatment of severe
19 forms of epilepsy pursuant to Section 2-802 of this
20 title, a drug or substance approved by the federal
21 Food and Drug Administration for use by those
22 participants,

23 f. for any person or the parents, legal guardians or
24 caretakers of the person who have received a written

1 certification from a physician licensed in this state
2 that the person has been diagnosed by a physician as
3 having Lennox-Gastaut Syndrome, Dravet Syndrome, also
4 known as Severe Myoclonic Epilepsy of Infancy, or any
5 other severe form of epilepsy that is not adequately
6 treated by traditional medical therapies, spasticity
7 due to multiple sclerosis or due to paraplegia,
8 intractable nausea and vomiting, appetite stimulation
9 with chronic wasting diseases, the substance
10 cannabidiol, a nonpsychoactive cannabinoid, found in
11 the plant Cannabis sativa L. or any other preparation
12 thereof, that has a tetrahydrocannabinol concentration
13 of not more than three-tenths of one percent (0.3%)
14 and that is delivered to the patient in the form of a
15 liquid,

- 16 g. any federal Food and Drug Administration-approved
- 17 cannabidiol drug or substance, or
- 18 h. industrial hemp, from the plant Cannabis sativa L. and
- 19 any part, extract or derivative of such plant, whether
- 20 growing or not, with a delta-9 tetrahydrocannabinol
- 21 concentration of not more than three-tenths of one
- 22 percent (0.3%) on a dry-weight basis which shall ~~not~~
- 23 be grown ~~anywhere in the State of Oklahoma but may be~~
- 24 ~~shipped to Oklahoma~~ pursuant to the Oklahoma

1 Industrial Hemp Agricultural Pilot Program or pursuant
2 to the ~~provisions of subparagraph e or f of this~~
3 ~~paragraph~~ laws and regulations of another state,
4 country or jurisdiction;

5 24. "Medical purpose" means an intention to utilize a
6 controlled dangerous substance for physical or mental treatment, for
7 diagnosis, or for the prevention of a disease condition not in
8 violation of any state or federal law and not for the purpose of
9 satisfying physiological or psychological dependence or other abuse;

10 25. "Mid-level practitioner" means an advanced practice nurse
11 as defined and within parameters specified in Section 567.3a of
12 Title 59 of the Oklahoma Statutes, or a certified animal euthanasia
13 technician as defined in Section 698.2 of Title 59 of the Oklahoma
14 Statutes, or an animal control officer registered by the Oklahoma
15 State Bureau of Narcotics and Dangerous Drugs Control under
16 subsection B of Section 2-301 of this title within the parameters of
17 such officer's duty under Sections 501 through 508 of Title 4 of the
18 Oklahoma Statutes;

19 26. "Narcotic drug" means any of the following, whether
20 produced directly or indirectly by extraction from substances of
21 vegetable origin, or independently by means of chemical synthesis,
22 or by a combination of extraction and chemical synthesis:

23 a. opium, coca leaves and opiates,
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- 1 b. a compound, manufacture, salt, derivative or
2 preparation of opium, coca leaves or opiates,
3 c. cocaine, its salts, optical and geometric isomers, and
4 salts of isomers,
5 d. ecgonine, its derivatives, their salts, isomers and
6 salts of isomers, and
7 e. a substance, and any compound, manufacture, salt,
8 derivative or preparation thereof, which is chemically
9 identical with any of the substances referred to in
10 subparagraphs a through d of this paragraph, except
11 that the words "narcotic drug" as used in Section 2-
12 101 et seq. of this title shall not include
13 decocainized coca leaves or extracts of coca leaves,
14 which extracts do not contain cocaine or ecgonine;

15 27. "Opiate" means any substance having an addiction-forming or
16 addiction-sustaining liability similar to morphine or being capable
17 of conversion into a drug having such addiction-forming or
18 addiction-sustaining liability. It does not include, unless
19 specifically designated as controlled under the Uniform Controlled
20 Dangerous Substances Act, the dextrorotatory isomer of 3-methoxy-n-
21 methyl-morphinan and its salts (dextromethorphan). It does include
22 its racemic and levorotatory forms;

23 28. "Opium poppy" means the plant of the species *Papaver*
24 *somniferum* L., except the seeds thereof;

1 29. "Peace officer" means a police officer, sheriff, deputy
2 sheriff, district attorney's investigator, investigator from the
3 Office of the Attorney General, or any other person elected or
4 appointed by law to enforce any of the criminal laws of this state
5 or of the United States;

6 30. "Person" means an individual, corporation, government or
7 governmental subdivision or agency, business trust, estate, trust,
8 partnership or association, or any other legal entity;

9 31. "Poppy straw" means all parts, except the seeds, of the
10 opium poppy, after mowing;

11 32. "Practitioner" means:

- 12 a. (1) a medical doctor or osteopathic physician,
13 (2) a dentist,
14 (3) a podiatrist,
15 (4) an optometrist,
16 (5) a veterinarian,
17 (6) a physician assistant under the supervision of a
18 licensed medical doctor or osteopathic physician,
19 (7) a scientific investigator, or
20 (8) any other person,
21 licensed, registered or otherwise permitted to
22 prescribe, distribute, dispense, conduct research with
23 respect to, use for scientific purposes or administer
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1 a controlled dangerous substance in the course of
2 professional practice or research in this state, or
3 b. a pharmacy, hospital, laboratory or other institution
4 licensed, registered or otherwise permitted to
5 distribute, dispense, conduct research with respect
6 to, use for scientific purposes or administer a
7 controlled dangerous substance in the course of
8 professional practice or research in this state;

9 33. "Production" includes the manufacture, planting,
10 cultivation, growing or harvesting of a controlled dangerous
11 substance;

12 34. "State" means the State of Oklahoma or any other state of
13 the United States;

14 35. "Ultimate user" means a person who lawfully possesses a
15 controlled dangerous substance for the person's own use or for the
16 use of a member of the person's household or for administration to
17 an animal owned by the person or by a member of the person's
18 household;

19 36. "Drug paraphernalia" means all equipment, products and
20 materials of any kind which are used, intended for use, or fashioned
21 specifically for use in planting, propagating, cultivating, growing,
22 harvesting, manufacturing, compounding, converting, producing,
23 processing, preparing, testing, analyzing, packaging, repackaging,
24 storing, containing, concealing, injecting, ingesting, inhaling or

1 otherwise introducing into the human body, a controlled dangerous
2 substance in violation of the Uniform Controlled Dangerous
3 Substances Act including, but not limited to:

- 4 a. kits used, intended for use, or fashioned specifically
5 for use in planting, propagating, cultivating, growing
6 or harvesting of any species of plant which is a
7 controlled dangerous substance or from which a
8 controlled dangerous substance can be derived,
- 9 b. kits used, intended for use, or fashioned specifically
10 for use in manufacturing, compounding, converting,
11 producing, processing or preparing controlled
12 dangerous substances,
- 13 c. isomerization devices used, intended for use, or
14 fashioned specifically for use in increasing the
15 potency of any species of plant which is a controlled
16 dangerous substance,
- 17 d. testing equipment used, intended for use, or fashioned
18 specifically for use in identifying, or in analyzing
19 the strength, effectiveness or purity of controlled
20 dangerous substances,
- 21 e. scales and balances used, intended for use, or
22 fashioned specifically for use in weighing or
23 measuring controlled dangerous substances,

- 1 f. diluents and adulterants, such as quinine
2 hydrochloride, mannitol, mannite, dextrose and
3 lactose, used, intended for use, or fashioned
4 specifically for use in cutting controlled dangerous
5 substances,
- 6 g. separation gins and sifters used, intended for use, or
7 fashioned specifically for use in removing twigs and
8 seeds from, or in otherwise cleaning or refining,
9 ~~marihuana~~ marijuana,
- 10 h. blenders, bowls, containers, spoons and mixing devices
11 used, intended for use, or fashioned specifically for
12 use in compounding controlled dangerous substances,
- 13 i. capsules, balloons, envelopes and other containers
14 used, intended for use, or fashioned specifically for
15 use in packaging small quantities of controlled
16 dangerous substances,
- 17 j. containers and other objects used, intended for use,
18 or fashioned specifically for use in parenterally
19 injecting controlled dangerous substances into the
20 human body,
- 21 k. hypodermic syringes, needles and other objects used,
22 intended for use, or fashioned specifically for use in
23 parenterally injecting controlled dangerous substances
24 into the human body,

1. objects used, intended for use, or fashioned specifically for use in ingesting, inhaling or otherwise introducing ~~marihuana~~ marijuana, cocaine, hashish or hashish oil into the human body, such as:
- (1) metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls,
 - (2) water pipes,
 - (3) carburetion tubes and devices,
 - (4) smoking and carburetion masks,
 - (5) roach clips, meaning objects used to hold burning material, such as a ~~marihuana~~ marijuana cigarette, that has become too small or too short to be held in the hand,
 - (6) miniature cocaine spoons and cocaine vials,
 - (7) chamber pipes,
 - (8) carburetor pipes,
 - (9) electric pipes,
 - (10) air-driven pipes,
 - (11) chillums,
 - (12) bongs, or
 - (13) ice pipes or chillers,
- m. all hidden or novelty pipes, and

1 n. any pipe that has a tobacco bowl or chamber of less
2 than one-half (1/2) inch in diameter in which there is
3 any detectable residue of any controlled dangerous
4 substance as defined in this section or any other
5 substances not legal for possession or use;

6 provided, however, the term "drug paraphernalia" shall not include
7 separation gins intended for use in preparing tea or spice, clamps
8 used for constructing electrical equipment, water pipes designed for
9 ornamentation in which no detectable amount of an illegal substance
10 is found or pipes designed and used solely for smoking tobacco,
11 traditional pipes of an American Indian tribal religious ceremony,
12 or antique pipes that are thirty (30) years of age or older;

13 37. a. "Synthetic controlled substance" means a substance:

14 (1) the chemical structure of which is substantially
15 similar to the chemical structure of a controlled
16 dangerous substance in Schedule I or II,

17 (2) which has a stimulant, depressant, or
18 hallucinogenic effect on the central nervous
19 system that is substantially similar to or
20 greater than the stimulant, depressant or
21 hallucinogenic effect on the central nervous
22 system of a controlled dangerous substance in
23 Schedule I or II, or

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1 (3) with respect to a particular person, which such
2 person represents or intends to have a stimulant,
3 depressant, or hallucinogenic effect on the
4 central nervous system that is substantially
5 similar to or greater than the stimulant,
6 depressant, or hallucinogenic effect on the
7 central nervous system of a controlled dangerous
8 substance in Schedule I or II.

9 b. The designation of gamma butyrolactone or any other
10 chemical as a precursor, pursuant to Section 2-322 of
11 this title, does not preclude a finding pursuant to
12 subparagraph a of this paragraph that the chemical is
13 a synthetic controlled substance.

14 c. "Synthetic controlled substance" does not include:

15 (1) a controlled dangerous substance,

16 (2) any substance for which there is an approved new
17 drug application,

18 (3) with respect to a particular person any
19 substance, if an exemption is in effect for
20 investigational use, for that person under the
21 provisions of Section 505 of the Federal Food,
22 Drug and Cosmetic Act, Title 21 of the United
23 States Code, Section 355, to the extent conduct
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1 with respect to such substance is pursuant to
2 such exemption, or

3 (4) any substance to the extent not intended for
4 human consumption before such an exemption takes
5 effect with respect to that substance.

6 d. Prima facie evidence that a substance containing
7 salvia divinorum has been enhanced, concentrated or
8 chemically or physically altered shall give rise to a
9 rebuttable presumption that the substance is a
10 synthetic controlled substance;

11 38. "Tetrahydrocannabinols" means all substances that have been
12 chemically synthesized to emulate the tetrahydrocannabinols of
13 ~~marihuana~~ marijuana;

14 39. "Isomer" means the optical isomer, except as used in
15 subsections C and F of Section 2-204 of this title and paragraph 4
16 of subsection A of Section 2-206 of this title. As used in
17 subsections C and F of Section 2-204 of this title, "isomer" means
18 the optical, positional or geometric isomer. As used in paragraph 4
19 of subsection A of Section 2-206 of this title, the term "isomer"
20 means the optical or geometric isomer;

21 40. "Hazardous materials" means materials, whether solid,
22 liquid or gas, which are toxic to human, animal, aquatic or plant
23 life, and the disposal of which materials is controlled by state or
24 federal guidelines; and

1 41. "Anhydrous ammonia" means any substance that exhibits
2 cryogenic evaporative behavior and tests positive for ammonia.

3 SECTION 2. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 3-401 of Title 2, unless there
5 is created a duplication in numbering, reads as follows:

6 This act shall be known and may be cited as the "Oklahoma
7 Industrial Hemp Agricultural Pilot Program".

8 SECTION 3. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 3-402 of Title 2, unless there
10 is created a duplication in numbering, reads as follows:

11 As used in the Oklahoma Industrial Hemp Agricultural Pilot
12 Program:

13 1. "Certified seed" means industrial hemp seed that has been
14 certified by the Oklahoma Department of Agriculture, Food, and
15 Forestry as having no more than three-tenths of one percent (0.3%)
16 delta-9 tetrahydrocannabinol concentration on a dry-weight basis;

17 2. "Department" means the Oklahoma Department of Agriculture,
18 Food, and Forestry;

19 3. "Industrial hemp" means the plant Cannabis sativa L. and any
20 part of the plant, whether growing or not, with a delta-9
21 tetrahydrocannabinol concentration of not more than three-tenths of
22 one percent (0.3%) on a dry-weight basis;

23 4. "License" means authorization by the Department for any
24 institution of higher education in Oklahoma to grow and cultivate

1 industrial hemp on a registered land area for research and
2 development purposes as part of the Oklahoma Industrial Hemp
3 Agricultural Pilot Program; and

4 5. "Licensee" means an institution of higher education located
5 in Oklahoma which holds a valid license to grow industrial hemp
6 under the Oklahoma Industrial Hemp Agricultural Pilot Program.

7 Nothing in the Oklahoma Industrial Hemp Agricultural Pilot Program
8 shall prevent the licensee from adopting policies and procedures to
9 subcontract with persons or other legal entities to carry out the
10 purposes of the program; provided, that the Oklahoma Department of
11 Agriculture, Food, and Forestry will ensure subcontractors'
12 compliance with the Program requirements.

13 SECTION 4. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 3-403 of Title 2, unless there
15 is created a duplication in numbering, reads as follows:

16 A. A licensee is authorized to:

17 1. Engage in the growth and cultivation of industrial hemp from
18 certified seeds for agricultural plant research and development
19 purposes; and

20 2. Engage in the growth and cultivation of industrial hemp from
21 certified seeds for marketing development purposes.

22 B. The activities performed under the Oklahoma Industrial Hemp
23 Agricultural Pilot Program shall not subject the persons
24 participating in the program to criminal liability under the Uniform

1 Controlled Dangerous Substances Act. The exemption from criminal
2 liability provided for in this subsection is a limited exemption
3 that shall be strictly construed and shall not apply to an activity
4 that is not expressly permitted under the Oklahoma Industrial Hemp
5 Agricultural Pilot Program.

6 SECTION 5. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 3-404 of Title 2, unless there
8 is created a duplication in numbering, reads as follows:

9 A. An institution of higher education located in Oklahoma
10 wishing to engage in industrial hemp growth and cultivation
11 authorized under the Oklahoma Industrial Hemp Agricultural Pilot
12 Program shall apply to the Oklahoma Department of Agriculture, Food,
13 and Forestry for a license prior to planting the industrial hemp.

- 14 1. The application shall include:
- 15 a. the name and address of the institution of higher
16 education,
 - 17 b. the legal description, global positioning system
18 location and map of the land area on which the
19 licensee will engage in industrial hemp growth and
20 cultivation operations,
 - 21 c. a statement of intended end use, and
 - 22 d. a statement that the licensee intends to plant only
23 certified seeds.

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1 2. By submitting an application, the licensee acknowledges and
2 agrees that:

- 3 a. information provided to the Department may be provided
4 to law enforcement agencies,
- 5 b. the licensee and any entities contracting with the
6 licensee shall allow and fully cooperate with any
7 inspection and sampling that the Department deems
8 necessary,
- 9 c. the licensee will submit all required reports by the
10 applicable due dates specified by the Department, and
- 11 d. the licensee has the legal right to cultivate
12 industrial hemp from certified seeds on the registered
13 land area and shall grant the Department access for
14 inspection and sampling.

15 B. The Department shall collect a nonrefundable fee from the
16 licensee at the time of application. The Department shall set a fee
17 schedule based on the size and use of the land area on which the
18 licensee will conduct industrial hemp growing or cultivation
19 operations and shall set the fee at a level sufficient to generate
20 the amount of monies necessary to cover the Department's direct
21 costs in implementing the Oklahoma Industrial Hemp Agricultural
22 Pilot Program. Denied applications for licenses may be resubmitted
23 within a twelve-month period. The Department may waive the fee for
24 resubmitted applications.

1 C. A license issued pursuant to this section is valid for one
2 (1) year. In order to continue engaging in industrial hemp growth
3 and cultivation operations in Oklahoma, the licensee must annually
4 apply for a license in accordance with subsection A of this section.
5 The Department may set a separate fee schedule for renewal of
6 existing licenses in good standing.

7 D. All industrial hemp plant material shall be planted, grown
8 and harvested under a valid license. Any plant material that is not
9 harvested in the licensed period in which it was planted or
10 volunteer plants that are not destroyed must be declared for
11 inclusion in a subsequent license.

12 E. If the licensee wishes to alter the land area on which the
13 licensee will conduct industrial hemp growth and cultivation
14 operations within thirty (30) days of any new license, before
15 altering the area, the licensee shall submit to the Department an
16 updated legal description, global positioning system location and
17 map specifying the proposed alterations.

18 F. Each licensee shall report any changes to information
19 provided in the license application within ten (10) days of such
20 change to the Department.

21 G. The Department shall promulgate rules necessary to implement
22 the licensing program and to implement the Oklahoma Industrial Hemp
23 Agricultural Pilot Program.

24

1 SECTION 6. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 3-405 of Title 2, unless there
3 is created a duplication in numbering, reads as follows:

4 A. The Oklahoma Department of Agriculture, Food, and Forestry
5 shall establish a Certified Seed Program to identify seeds that have
6 been confirmed to produce industrial hemp. In accordance with all
7 federal state laws and regulations, the Department may import seeds.

8 B. A variety of industrial hemp may be approved and certified
9 by the Department if it is tested and confirmed to produce mature
10 plants with a delta-9 tetrahydrocannabinol concentration of not more
11 than three-tenths of one percent (0.3%) on a dry-weight basis.

12 C. The Department shall provide and maintain a list of
13 certified seeds to be used by licensees.

14 SECTION 7. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 3-406 of Title 2, unless there
16 is created a duplication in numbering, reads as follows:

17 A. At least thirty (30) days prior to harvest, each licensee
18 shall file a harvest report on a form approved by the Oklahoma
19 Department of Agriculture, Food, and Forestry that includes:

20 1. A statement of intended disposition of its industrial hemp
21 crop;

22 2. The harvest date or dates, location and yield of each
23 variety cultivated within a licensed land area;

24

1 3. The documented environmental impacts and viability of each
2 variety; and

3 4. Research data that would assist the Department in future
4 commercialization of industrial hemp.

5 B. A licensee shall notify the Department immediately of any
6 changes in a reported harvest date by more than five (5) days.

7 SECTION 8. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 3-407 of Title 2, unless there
9 is created a duplication in numbering, reads as follows:

10 A. Any plants of the licensee are subject to routine inspection
11 and sampling to verify that the delta-9 tetrahydrocannabinol
12 concentration of the plants planted does not exceed three-tenths of
13 one percent (0.3%) on a dry-weight basis. The Oklahoma Department
14 of Agriculture, Food, and Forestry shall notify each licensee of the
15 scope of the inspection and the process by which the inspection will
16 be conducted.

17 B. In addition to any routine inspection and sampling under
18 subsection A of this section, the Department may inspect and take
19 samples from any licensee's plants during normal business hours
20 without advance notice.

21 C. During an inspection and sampling, the Department shall make
22 a good-faith attempt to have the licensee present at the time of
23 inspection and sampling. The licensee or authorized representative
24 shall provide the Department's inspector with complete and

1 unrestricted access to all plants, parts and seeds, whether growing
2 or harvested, and all land, buildings and other structures used for
3 the growth, cultivation, harvesting or storage of industrial hemp,
4 and all documents and records pertaining to the licensee's
5 industrial hemp-growing and cultivation operation.

6 D. The licensee shall pay for any inspection and laboratory
7 analysis costs that the Department deems necessary within thirty
8 (30) days of the date of the receipt of an invoice for the costs.
9 The Department shall waive all inspection or sampling costs if no
10 inconsistencies or violations are identified that are not part of
11 the routine inspection process.

12 E. The Department shall promulgate rules to establish a process
13 by which a licensee may contest the procedures, protocols and
14 results or findings of the inspection.

15 SECTION 9. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 3-408 of Title 2, unless there
17 is created a duplication in numbering, reads as follows:

18 A. The Oklahoma Department of Agriculture, Food, and Forestry
19 may deny, revoke or suspend a license if the licensee:

- 20 1. Violates any provision of this Oklahoma Industrial Hemp
21 Agricultural Pilot Program or rules adopted pursuant to the program;
- 22 2. Engages in fraud or deception in the procurement of or
23 attempt to procure a license under this Oklahoma Industrial Hemp
24

1 Agricultural Pilot Program or provides false information on a
2 license application;

3 3. Refuses or fails to cooperate and assist the Department with
4 the inspection process;

5 4. Refuses or fails to provide any information required or
6 requested by the Department for purposes of the Oklahoma Industrial
7 Hemp Agricultural Pilot Program;

8 5. Knowingly provides false, misleading or incorrect
9 information pertaining to the licensee's cultivation of industrial
10 hemp to the Department by any means, including in information
11 provided in any application form, report, record or inspection
12 required or maintained for purposes of the Oklahoma Industrial Hemp
13 Agricultural Pilot Program;

14 6. Fails to submit any report required by the Oklahoma
15 Industrial Hemp Agricultural Pilot Program; or

16 7. Fails to pay fees required by the Oklahoma Industrial Hemp
17 Agricultural Pilot Program.

18 B. If a sample of a licensee's industrial hemp tests higher
19 than three-tenths of one percent (0.3%) but less than one percent
20 (1%) delta-9 tetrahydrocannabinol concentration, the licensee shall
21 not be subject to any penalty under the Oklahoma Industrial Hemp
22 Agricultural Pilot Program if the crop is destroyed or utilized on
23 site in a manner approved of and verified by the Department.

24

1 SECTION 10. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 3-409 of Title 2, unless there
3 is created a duplication in numbering, reads as follows:

4 The Oklahoma Department of Agriculture, Food, and Forestry shall
5 study the feasibility of attracting federal and private funding to
6 implement the Oklahoma Industrial Hemp Agricultural Pilot Program.

7 SECTION 11. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 3-410 of Title 2, unless there
9 is created a duplication in numbering, reads as follows:

10 There is hereby created in the State Treasury a revolving fund
11 for the State Board of Agriculture to be designated the "Oklahoma
12 Industrial Hemp Agricultural Pilot Program Fund". The fund shall be
13 a continuing fund, not subject to fiscal year limitations and shall
14 consist of all monies received by the State Board of Agriculture
15 from fees received and collected pursuant to the Oklahoma Industrial
16 Hemp Agricultural Pilot Program, donations, grants, contributions
17 and gifts from any public or private source. The Board may expend
18 funds for the purposes set forth in the Oklahoma Industrial Hemp
19 Agricultural Pilot Program. Expenditures from said fund shall be
20 made upon warrants issued by the State Treasurer against claims
21 filed as prescribed by law with the Director of the Office of
22 Management and Enterprise Services for approval and payment.

23
24

1 SECTION 12. This act shall become effective November 1, 2018."
2 Passed the House of Representatives the 24th day of April, 2018.

3
4
5 _____
6 Presiding Officer of the House of
7 Representatives

8 Passed the Senate the ____ day of _____, 2018.

9
10 _____
11 Presiding Officer of the Senate
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1 ENGROSSED SENATE
2 BILL NO. 1185

By: Paxton and Pittman of the
Senate

3 and

4 Echols and Dollens of the
5 House

6
7 An Act relating to industrial hemp; amending 63 O.S.
8 2011, Section 2-101, as last amended by Section 1,
9 Chapter 43, O.S.L. 2017 (63 O.S. Supp. 2017, Section
10 2-101), which relates to the Uniform Controlled
11 Dangerous Substances Act; amending definition;
12 creating the Oklahoma Industrial Hemp Agricultural
13 Pilot Program; defining terms; authorizing a licensee
14 to engage in the growth and cultivation of industrial
15 hemp for certain purposes; limiting liability;
16 requiring application to the Oklahoma Department of
17 Agriculture, Food, and Forestry; providing
18 application content requirements; providing certain
19 acknowledgements and agreements upon application
20 submission; requiring certain application fee;
21 directing the Department to establish certain fee
22 schedule; providing length of valid license;
23 providing license renewal process; requiring
24 activities be done with a valid license; requiring
certain plants not harvested or destroyed be
declared; requiring submission of information for
certain land alterations or changes to information;
directing the Department to promulgate rules;
directing the Department to establish a Certified
Seed Program; allowing certain varieties of
industrial hemp be approved; requiring the Department
to maintain a list of certified seeds; requiring a
harvest report; providing for routine inspection and
sampling of plants of the licensee with certain
notice; providing for additional inspection and
sampling under certain conditions and circumstances;
providing inspection procedure requirements;
requiring the licensee to pay for inspection and lab
analysis with exception; directing the Department to
promulgate rules; authorizing denial, revocation or
suspension of license under certain circumstances;

1 prohibiting penalty for certain sample testing
2 levels; directing the Department to study certain
3 funding possibilities; creating revolving fund;
4 authorizing expenditures of funds under certain
5 conditions; providing for codification; and providing
6 an effective date.

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

7 SECTION 13. AMENDATORY 63 O.S. 2011, Section 2-101, as
8 last amended by Section 1, Chapter 43, O.S.L. 2017 (63 O.S. Supp.
9 2017, Section 2-101), is amended to read as follows:

10 Section 2-101. As used in the Uniform Controlled Dangerous
11 Substances Act:

12 1. "Administer" means the direct application of a controlled
13 dangerous substance, whether by injection, inhalation, ingestion or
14 any other means, to the body of a patient, animal or research
15 subject by:

16 a. a practitioner (or, in the presence of the
17 practitioner, by the authorized agent of the
18 practitioner), or

19 b. the patient or research subject at the direction and
20 in the presence of the practitioner;

21 2. "Agent" means a peace officer appointed by and who acts on
22 behalf of the Director of the Oklahoma State Bureau of Narcotics and
23 Dangerous Drugs Control or an authorized person who acts on behalf
24 of or at the direction of a person who manufactures, distributes,

1 dispenses, prescribes, administers or uses for scientific purposes
2 controlled dangerous substances but does not include a common or
3 contract carrier, public warehouser or employee thereof, or a person
4 required to register under the Uniform Controlled Dangerous
5 Substances Act;

6 3. "Board" means the Advisory Board to the Director of the
7 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control;

8 4. "Bureau" means the Oklahoma State Bureau of Narcotics and
9 Dangerous Drugs Control;

10 5. "Coca leaves" includes cocaine and any compound,
11 manufacture, salt, derivative, mixture or preparation of coca
12 leaves, except derivatives of coca leaves which do not contain
13 cocaine or ecgonine;

14 6. "Commissioner" or "Director" means the Director of the
15 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control;

16 7. "Control" means to add, remove or change the placement of a
17 drug, substance or immediate precursor under the Uniform Controlled
18 Dangerous Substances Act;

19 8. "Controlled dangerous substance" means a drug, substance or
20 immediate precursor in Schedules I through V of the Uniform
21 Controlled Dangerous Substances Act or any drug, substance or
22 immediate precursor listed either temporarily or permanently as a
23 federally controlled substance. Any conflict between state and
24

1 federal law with regard to the particular schedule in which a
2 substance is listed shall be resolved in favor of state law;

3 9. "Counterfeit substance" means a controlled substance which,
4 or the container or labeling of which without authorization, bears
5 the trademark, trade name or other identifying marks, imprint,
6 number or device or any likeness thereof of a manufacturer,
7 distributor or dispenser other than the person who in fact
8 manufactured, distributed or dispensed the substance;

9 10. "Deliver" or "delivery" means the actual, constructive or
10 attempted transfer from one person to another of a controlled
11 dangerous substance or drug paraphernalia, whether or not there is
12 an agency relationship;

13 11. "Dispense" means to deliver a controlled dangerous
14 substance to an ultimate user or human research subject by or
15 pursuant to the lawful order of a practitioner, including the
16 prescribing, administering, packaging, labeling or compounding
17 necessary to prepare the substance for such distribution.

18 "Dispenser" is a practitioner who delivers a controlled dangerous
19 substance to an ultimate user or human research subject;

20 12. "Distribute" means to deliver other than by administering
21 or dispensing a controlled dangerous substance;

22 13. "Distributor" means a commercial entity engaged in the
23 distribution or reverse distribution of narcotics and dangerous
24 drugs and who complies with all regulations promulgated by the

1 federal Drug Enforcement Administration and the Oklahoma State
2 Bureau of Narcotics and Dangerous Drugs Control;

3 14. "Drug" means articles:

4 a. recognized in the official United States

5 Pharmacopoeia, official Homeopathic Pharmacopoeia of
6 the United States, or official National Formulary, or
7 any supplement to any of them,

8 b. intended for use in the diagnosis, cure, mitigation,
9 treatment or prevention of disease in man or other
10 animals,

11 c. other than food, intended to affect the structure or
12 any function of the body of man or other animals, and

13 d. intended for use as a component of any article
14 specified in this paragraph;

15 provided, however, the term "drug" does not include devices or their
16 components, parts or accessories;

17 15. "Drug-dependent person" means a person who is using a
18 controlled dangerous substance and who is in a state of psychic or
19 physical dependence, or both, arising from administration of that
20 controlled dangerous substance on a continuous basis. Drug
21 dependence is characterized by behavioral and other responses which
22 include a strong compulsion to take the substance on a continuous
23 basis in order to experience its psychic effects, or to avoid the
24 discomfort of its absence;

1 16. "Home care agency" means any sole proprietorship,
2 partnership, association, corporation, or other organization which
3 administers, offers, or provides home care services, for a fee or
4 pursuant to a contract for such services, to clients in their place
5 of residence;

6 17. "Home care services" means skilled or personal care
7 services provided to clients in their place of residence for a fee;

8 18. "Hospice" means a centrally administered, nonprofit or
9 profit, medically directed, nurse-coordinated program which provides
10 a continuum of home and inpatient care for the terminally ill
11 patient and the patient's family. Such term shall also include a
12 centrally administered, nonprofit or profit, medically directed,
13 nurse-coordinated program if such program is licensed pursuant to
14 the provisions of this act. A hospice program offers palliative and
15 supportive care to meet the special needs arising out of the
16 physical, emotional and spiritual stresses which are experienced
17 during the final stages of illness and during dying and bereavement.
18 This care is available twenty-four (24) hours a day, seven (7) days
19 a week, and is provided on the basis of need, regardless of ability
20 to pay. "Class A" Hospice refers to Medicare certified hospices.
21 "Class B" refers to all other providers of hospice services;

22 19. "Imitation controlled substance" means a substance that is
23 not a controlled dangerous substance, which by dosage unit
24 appearance, color, shape, size, markings or by representations made,

1 would lead a reasonable person to believe that the substance is a
2 controlled dangerous substance. In the event the appearance of the
3 dosage unit is not reasonably sufficient to establish that the
4 substance is an "imitation controlled substance", the court or
5 authority concerned should consider, in addition to all other
6 factors, the following factors as related to "representations made"
7 in determining whether the substance is an "imitation controlled
8 substance":

- 9 a. statements made by an owner or by any other person in
10 control of the substance concerning the nature of the
11 substance, or its use or effect,
- 12 b. statements made to the recipient that the substance
13 may be resold for inordinate profit,
- 14 c. whether the substance is packaged in a manner normally
15 used for illicit controlled substances,
- 16 d. evasive tactics or actions utilized by the owner or
17 person in control of the substance to avoid detection
18 by law enforcement authorities,
- 19 e. prior convictions, if any, of an owner, or any other
20 person in control of the object, under state or
21 federal law related to controlled substances or fraud,
22 and
- 23 f. the proximity of the substances to controlled
24 dangerous substances;

1 20. "Immediate precursor" means a substance which the Director
2 has found to be and by regulation designates as being the principal
3 compound commonly used or produced primarily for use, and which is
4 an immediate chemical intermediary used, or likely to be used, in
5 the manufacture of a controlled dangerous substance, the control of
6 which is necessary to prevent, curtail or limit such manufacture;

7 21. "Laboratory" means a laboratory approved by the Director as
8 proper to be entrusted with the custody of controlled dangerous
9 substances and the use of controlled dangerous substances for
10 scientific and medical purposes and for purposes of instruction;

11 22. "Manufacture" means the production, preparation,
12 propagation, compounding or processing of a controlled dangerous
13 substance, either directly or indirectly by extraction from
14 substances of natural or synthetic origin, or independently by means
15 of chemical synthesis or by a combination of extraction and chemical
16 synthesis. "Manufacturer" includes any person who packages,
17 repackages or labels any container of any controlled dangerous
18 substance, except practitioners who dispense or compound
19 prescription orders for delivery to the ultimate consumer;

20 23. "Marihuana" means all parts of the plant Cannabis sativa
21 L., whether growing or not; the seeds thereof; the resin extracted
22 from any part of such plant; and every compound, manufacture, salt,
23 derivative, mixture or preparation of such plant, its seeds or
24 resin, but shall not include:

- 1 a. the mature stalks of such plant or fiber produced from
2 such stalks,
- 3 b. oil or cake made from the seeds of such plant,
4 including cannabidiol derived from the seeds of the
5 marihuana plant,
- 6 c. any other compound, manufacture, salt, derivative,
7 mixture or preparation of such mature stalks (except
8 the resin extracted therefrom), including cannabidiol
9 derived from mature stalks, fiber, oil or cake,
- 10 d. the sterilized seed of such plant which is incapable
11 of germination,
- 12 e. for any person participating in a clinical trial to
13 administer cannabidiol for the treatment of severe
14 forms of epilepsy pursuant to Section 2-802 of this
15 title, a drug or substance approved by the federal
16 Food and Drug Administration for use by those
17 participants,
- 18 f. for any person or the parents, legal guardians or
19 caretakers of the person who have received a written
20 certification from a physician licensed in this state
21 that the person has been diagnosed by a physician as
22 having Lennox-Gastaut Syndrome, Dravet Syndrome, also
23 known as Severe Myoclonic Epilepsy of Infancy, or any
24 other severe form of epilepsy that is not adequately

1 treated by traditional medical therapies, spasticity
2 due to multiple sclerosis or due to paraplegia,
3 intractable nausea and vomiting, appetite stimulation
4 with chronic wasting diseases, the substance
5 cannabidiol, a nonpsychoactive cannabinoid, found in
6 the plant Cannabis sativa L. or any other preparation
7 thereof, that has a tetrahydrocannabinol concentration
8 of not more than three-tenths of one percent (0.3%)
9 and that is delivered to the patient in the form of a
10 liquid,

11 g. any federal Food and Drug Administration-approved
12 cannabidiol drug or substance, or

13 h. industrial hemp, from the plant Cannabis sativa L. and
14 any part of such plant, whether growing or not, with a
15 delta-9 tetrahydrocannabinol concentration of not more
16 than three-tenths of one percent (0.3%) on a dry
17 weight basis which shall ~~not~~ only be grown ~~anywhere in~~
18 ~~the State of Oklahoma but~~ pursuant to the Oklahoma
19 Industrial Hemp Agricultural Pilot Program and may be
20 shipped to Oklahoma pursuant to the provisions of
21 subparagraph e or f of this paragraph;

22 24. "Medical purpose" means an intention to utilize a
23 controlled dangerous substance for physical or mental treatment, for
24 diagnosis, or for the prevention of a disease condition not in

1 violation of any state or federal law and not for the purpose of
2 satisfying physiological or psychological dependence or other abuse;

3 25. "Mid-level practitioner" means an advanced practice nurse
4 as defined and within parameters specified in Section 567.3a of
5 Title 59 of the Oklahoma Statutes, or a certified animal euthanasia
6 technician as defined in Section 698.2 of Title 59 of the Oklahoma
7 Statutes, or an animal control officer registered by the Oklahoma
8 State Bureau of Narcotics and Dangerous Drugs Control under
9 subsection B of Section 2-301 of this title within the parameters of
10 such officer's duty under Sections 501 through 508 of Title 4 of the
11 Oklahoma Statutes;

12 26. "Narcotic drug" means any of the following, whether
13 produced directly or indirectly by extraction from substances of
14 vegetable origin, or independently by means of chemical synthesis,
15 or by a combination of extraction and chemical synthesis:

- 16 a. opium, coca leaves and opiates,
- 17 b. a compound, manufacture, salt, derivative or
18 preparation of opium, coca leaves or opiates,
- 19 c. cocaine, its salts, optical and geometric isomers, and
20 salts of isomers,
- 21 d. ecgonine, its derivatives, their salts, isomers and
22 salts of isomers, and
- 23 e. a substance, and any compound, manufacture, salt,
24 derivative or preparation thereof, which is chemically

1 identical with any of the substances referred to in
2 subparagraphs a through d of this paragraph, except
3 that the words "narcotic drug" as used in Section 2-
4 101 et seq. of this title shall not include
5 decocainized coca leaves or extracts of coca leaves,
6 which extracts do not contain cocaine or ecgonine;

7 27. "Opiate" means any substance having an addiction-forming or
8 addiction-sustaining liability similar to morphine or being capable
9 of conversion into a drug having such addiction-forming or
10 addiction-sustaining liability. It does not include, unless
11 specifically designated as controlled under the Uniform Controlled
12 Dangerous Substances Act, the dextrorotatory isomer of 3-methoxy-n-
13 methyl-morphinan and its salts (dextromethorphan). It does include
14 its racemic and levorotatory forms;

15 28. "Opium poppy" means the plant of the species *Papaver*
16 *somniferum* L., except the seeds thereof;

17 29. "Peace officer" means a police officer, sheriff, deputy
18 sheriff, district attorney's investigator, investigator from the
19 Office of the Attorney General, or any other person elected or
20 appointed by law to enforce any of the criminal laws of this state
21 or of the United States;

22 30. "Person" means an individual, corporation, government or
23 governmental subdivision or agency, business trust, estate, trust,
24 partnership or association, or any other legal entity;

1 31. "Poppy straw" means all parts, except the seeds, of the
2 opium poppy, after mowing;

3 32. "Practitioner" means:

- 4 a. (1) a medical doctor or osteopathic physician,
5 (2) a dentist,
6 (3) a podiatrist,
7 (4) an optometrist,
8 (5) a veterinarian,
9 (6) a physician assistant under the supervision of a
10 licensed medical doctor or osteopathic physician,
11 (7) a scientific investigator, or
12 (8) any other person,
13 licensed, registered or otherwise permitted to
14 prescribe, distribute, dispense, conduct research with
15 respect to, use for scientific purposes or administer
16 a controlled dangerous substance in the course of
17 professional practice or research in this state, or
18 b. a pharmacy, hospital, laboratory or other institution
19 licensed, registered or otherwise permitted to
20 distribute, dispense, conduct research with respect
21 to, use for scientific purposes or administer a
22 controlled dangerous substance in the course of
23 professional practice or research in this state;

24

1 33. "Production" includes the manufacture, planting,
2 cultivation, growing or harvesting of a controlled dangerous
3 substance;

4 34. "State" means the State of Oklahoma or any other state of
5 the United States;

6 35. "Ultimate user" means a person who lawfully possesses a
7 controlled dangerous substance for the person's own use or for the
8 use of a member of the person's household or for administration to
9 an animal owned by the person or by a member of the person's
10 household;

11 36. "Drug paraphernalia" means all equipment, products and
12 materials of any kind which are used, intended for use, or fashioned
13 specifically for use in planting, propagating, cultivating, growing,
14 harvesting, manufacturing, compounding, converting, producing,
15 processing, preparing, testing, analyzing, packaging, repackaging,
16 storing, containing, concealing, injecting, ingesting, inhaling or
17 otherwise introducing into the human body, a controlled dangerous
18 substance in violation of the Uniform Controlled Dangerous
19 Substances Act including, but not limited to:

20 a. kits used, intended for use, or fashioned specifically
21 for use in planting, propagating, cultivating, growing
22 or harvesting of any species of plant which is a
23 controlled dangerous substance or from which a
24 controlled dangerous substance can be derived,

- 1 b. kits used, intended for use, or fashioned specifically
2 for use in manufacturing, compounding, converting,
3 producing, processing or preparing controlled
4 dangerous substances,
- 5 c. isomerization devices used, intended for use, or
6 fashioned specifically for use in increasing the
7 potency of any species of plant which is a controlled
8 dangerous substance,
- 9 d. testing equipment used, intended for use, or fashioned
10 specifically for use in identifying, or in analyzing
11 the strength, effectiveness or purity of controlled
12 dangerous substances,
- 13 e. scales and balances used, intended for use, or
14 fashioned specifically for use in weighing or
15 measuring controlled dangerous substances,
- 16 f. diluent and adulterants, such as quinine
17 hydrochloride, mannitol, mannite, dextrose and
18 lactose, used, intended for use, or fashioned
19 specifically for use in cutting controlled dangerous
20 substances,
- 21 g. separation gins and sifters used, intended for use, or
22 fashioned specifically for use in removing twigs and
23 seeds from, or in otherwise cleaning or refining,
24 marihuana,

- 1 h. blenders, bowls, containers, spoons and mixing devices
2 used, intended for use, or fashioned specifically for
3 use in compounding controlled dangerous substances,
- 4 i. capsules, balloons, envelopes and other containers
5 used, intended for use, or fashioned specifically for
6 use in packaging small quantities of controlled
7 dangerous substances,
- 8 j. containers and other objects used, intended for use,
9 or fashioned specifically for use in parenterally
10 injecting controlled dangerous substances into the
11 human body,
- 12 k. hypodermic syringes, needles and other objects used,
13 intended for use, or fashioned specifically for use in
14 parenterally injecting controlled dangerous substances
15 into the human body,
- 16 l. objects used, intended for use, or fashioned
17 specifically for use in ingesting, inhaling or
18 otherwise introducing marihuana, cocaine, hashish or
19 hashish oil into the human body, such as:
- 20 (1) metal, wooden, acrylic, glass, stone, plastic or
21 ceramic pipes with or without screens, permanent
22 screens, hashish heads or punctured metal bowls,
- 23 (2) water pipes,
- 24 (3) carburetion tubes and devices,

1 (4) smoking and carburetion masks,
2 (5) roach clips, meaning objects used to hold burning
3 material, such as a marihuana cigarette, that has
4 become too small or too short to be held in the
5 hand,
6 (6) miniature cocaine spoons and cocaine vials,
7 (7) chamber pipes,
8 (8) carburetor pipes,
9 (9) electric pipes,
10 (10) air-driven pipes,
11 (11) chillums,
12 (12) bonges, or
13 (13) ice pipes or chillers,
14 m. all hidden or novelty pipes, and
15 n. any pipe that has a tobacco bowl or chamber of less
16 than one-half (1/2) inch in diameter in which there is
17 any detectable residue of any controlled dangerous
18 substance as defined in this section or any other
19 substances not legal for possession or use;
20 provided, however, the term "drug paraphernalia" shall not include
21 separation gins intended for use in preparing tea or spice, clamps
22 used for constructing electrical equipment, water pipes designed for
23 ornamentation in which no detectable amount of an illegal substance
24 is found or pipes designed and used solely for smoking tobacco,

1 traditional pipes of an American Indian tribal religious ceremony,
2 or antique pipes that are thirty (30) years of age or older;

3 37. a. "Synthetic controlled substance" means a substance:

4 (1) the chemical structure of which is substantially
5 similar to the chemical structure of a controlled
6 dangerous substance in Schedule I or II,

7 (2) which has a stimulant, depressant, or
8 hallucinogenic effect on the central nervous
9 system that is substantially similar to or
10 greater than the stimulant, depressant or
11 hallucinogenic effect on the central nervous
12 system of a controlled dangerous substance in
13 Schedule I or II, or

14 (3) with respect to a particular person, which such
15 person represents or intends to have a stimulant,
16 depressant, or hallucinogenic effect on the
17 central nervous system that is substantially
18 similar to or greater than the stimulant,
19 depressant, or hallucinogenic effect on the
20 central nervous system of a controlled dangerous
21 substance in Schedule I or II.

22 b. The designation of gamma butyrolactone or any other
23 chemical as a precursor, pursuant to Section 2-322 of
24 this title, does not preclude a finding pursuant to

1 subparagraph a of this paragraph that the chemical is
2 a synthetic controlled substance.

3 c. "Synthetic controlled substance" does not include:

4 (1) a controlled dangerous substance,

5 (2) any substance for which there is an approved new
6 drug application,

7 (3) with respect to a particular person any
8 substance, if an exemption is in effect for
9 investigational use, for that person under the
10 provisions of Section 505 of the Federal Food,
11 Drug and Cosmetic Act, Title 21 of the United
12 States Code, Section 355, to the extent conduct
13 with respect to such substance is pursuant to
14 such exemption, or

15 (4) any substance to the extent not intended for
16 human consumption before such an exemption takes
17 effect with respect to that substance.

18 d. Prima facie evidence that a substance containing
19 salvia divinorum has been enhanced, concentrated or
20 chemically or physically altered shall give rise to a
21 rebuttable presumption that the substance is a
22 synthetic controlled substance;

1 38. "Tetrahydrocannabinols" means all substances that have been
2 chemically synthesized to emulate the tetrahydrocannabinols of
3 marihuana;

4 39. "Isomer" means the optical isomer, except as used in
5 subsections C and F of Section 2-204 of this title and paragraph 4
6 of subsection A of Section 2-206 of this title. As used in
7 subsections C and F of Section 2-204 of this title, "isomer" means
8 the optical, positional or geometric isomer. As used in paragraph 4
9 of subsection A of Section 2-206 of this title, the term "isomer"
10 means the optical or geometric isomer;

11 40. "Hazardous materials" means materials, whether solid,
12 liquid or gas, which are toxic to human, animal, aquatic or plant
13 life, and the disposal of which materials is controlled by state or
14 federal guidelines; and

15 41. "Anhydrous ammonia" means any substance that exhibits
16 cryogenic evaporative behavior and tests positive for ammonia.

17 SECTION 14. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 3-401 of Title 2, unless there
19 is created a duplication in numbering, reads as follows:

20 This act shall be known and may be cited as the "Oklahoma
21 Industrial Hemp Agricultural Pilot Program".

22 SECTION 15. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 3-402 of Title 2, unless there
24 is created a duplication in numbering, reads as follows:

1 As used in the Oklahoma Industrial Hemp Agricultural Pilot
2 Program:

3 1. "Certified seed" means industrial hemp seed that has been
4 certified by the Oklahoma Department of Agriculture, Food, and
5 Forestry as having no more than three-tenths of one percent (0.3%)
6 delta-9 tetrahydrocannabinol concentration on a dry-weight basis;

7 2. "Department" means the Oklahoma Department of Agriculture,
8 Food, and Forestry;

9 3. "Industrial hemp" means the plant *Cannabis sativa* L. and any
10 part of the plant, whether growing or not, with a delta-9
11 tetrahydrocannabinol concentration of not more than three-tenths of
12 one percent (0.3%) on a dry weight basis;

13 4. "License" means authorization by the Department for any
14 institution of higher education in Oklahoma to grow and cultivate
15 industrial hemp on a registered land area for research and
16 development purposes as part of the Oklahoma Industrial Hemp
17 Agricultural Pilot Program; and

18 5. "Licensee" means an institution of higher education located
19 in Oklahoma which holds a valid license to grow industrial hemp
20 under the Oklahoma Industrial Hemp Agricultural Pilot Program.

21 Nothing in the Oklahoma Industrial Hemp Agricultural Pilot Program
22 shall prevent the licensee from adopting policies and procedures to
23 subcontract with persons or other legal entities to carry out the
24 purposes of the program; provided, that the Oklahoma Department of

1 Agriculture, Food, and Forestry will ensure subcontractors
2 compliance with the Program requirements.

3 SECTION 16. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 3-403 of Title 2, unless there
5 is created a duplication in numbering, reads as follows:

6 A. A licensee is authorized to:

7 1. Engage in the growth and cultivation of industrial hemp from
8 certified seeds for agricultural plant research and development
9 purposes; and

10 2. Engage in the growth and cultivation of industrial hemp from
11 certified seeds for marketing development purposes.

12 B. The activities performed under the Oklahoma Industrial Hemp
13 Agricultural Pilot Program shall not subject the persons
14 participating in the program to criminal liability under the Uniform
15 Controlled Dangerous Substances Act. The exemption from criminal
16 liability provided for in this subsection is a limited exemption
17 that shall be strictly construed and shall not apply to an activity
18 that is not expressly permitted under the Oklahoma Industrial Hemp
19 Agricultural Pilot Program.

20 SECTION 17. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 3-404 of Title 2, unless there
22 is created a duplication in numbering, reads as follows:

23 A. An institution of higher education located in Oklahoma
24 wishing to engage in industrial hemp growth and cultivation

1 authorized under the Oklahoma Industrial Hemp Agricultural Pilot
2 Program shall apply to the Oklahoma Department of Agriculture, Food,
3 and Forestry for a license prior to planting the industrial hemp.

4 1. The application shall include:

- 5 a. the name and address of the institution of higher
6 education,
- 7 b. the legal description, global positioning system
8 location, and map of the land area on which the
9 licensee will engage in industrial hemp growth and
10 cultivation operations,
- 11 c. a statement of intended end use, and
- 12 d. a statement that the licensee intends to plant only
13 certified seeds;

14 2. By submitting an application, the licensee acknowledges and
15 agrees that:

- 16 a. information provided to the Department may be provided
17 to law enforcement agencies,
- 18 b. the licensee and any entities contracting with the
19 licensee shall allow and fully cooperate with any
20 inspection and sampling that the Department deems
21 necessary,
- 22 c. the licensee will submit all required reports by the
23 applicable due-dates specified by the Department, and
24

1 d. the licensee has the legal right to cultivate
2 industrial hemp from certified seeds on the registered
3 land area and shall grant the Department access for
4 inspection and sampling.

5 B. The Department shall collect a nonrefundable fee from the
6 licensee at the time of application. The Department shall set a fee
7 schedule based on the size and use of the land area on which the
8 licensee will conduct industrial hemp growing or cultivation
9 operations and shall set the fee at a level sufficient to generate
10 the amount of monies necessary to cover the Department's direct
11 costs in implementing the Oklahoma Industrial Hemp Agricultural
12 Pilot Program. Denied applications for licenses may be resubmitted
13 within a twelve-month period. The Department may waive the fee for
14 resubmitted applications.

15 C. A license issued pursuant to this section is valid for one
16 (1) year. In order to continue engaging in industrial hemp growth
17 and cultivation operations in Oklahoma, the licensee must annually
18 apply for a license in accordance with subsection A of this section.
19 The Department may set a separate fee schedule for renewal of
20 existing licenses in good standing.

21 D. All industrial hemp plant material shall be planted, grown
22 and harvested under a valid license. Any plant material that is not
23 harvested in the licensed period in which it was planted or
24

1 volunteer plants that are not destroyed must be declared for
2 inclusion in a subsequent license.

3 E. If the licensee wishes to alter the land area on which the
4 licensee will conduct industrial hemp growth and cultivation
5 operations within thirty (30) days of any new license, before
6 altering the area, the licensee shall submit to the Department an
7 updated legal description, global positioning system location, and
8 map specifying the proposed alterations.

9 F. Each licensee shall report any changes to information
10 provided in the license application within ten (10) days of such
11 change to the Department.

12 G. The Department shall promulgate rules necessary to implement
13 the licensing program and to implement the Oklahoma Industrial Hemp
14 Agricultural Pilot Program.

15 SECTION 18. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 3-405 of Title 2, unless there
17 is created a duplication in numbering, reads as follows:

18 A. The Department shall establish a Certified Seed Program to
19 identify seeds that have been confirmed to produce industrial hemp.
20 In accordance with all federal state laws and regulations, the
21 Department may import seeds.

22 B. A variety of industrial hemp may be approved and certified
23 by the Department if it is tested and confirmed to produce mature
24

1 plants with a delta-9 tetrahydrocannabinol concentration of not more
2 than three-tenths of one percent (0.3%) on a dry weight basis.

3 C. The Department shall provide and maintain a list of
4 certified seeds to be used by licensees.

5 SECTION 19. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 3-406 of Title 2, unless there
7 is created a duplication in numbering, reads as follows:

8 A. At least thirty (30) days prior to harvest, each licensee
9 shall file a harvest report on a form approved by the Department
10 that includes:

11 1. A statement of intended disposition of its industrial hemp
12 crop;

13 2. The harvest date or dates, location and yield of each
14 variety cultivated within a licensed land area;

15 3. The documented environmental impacts and viability of each
16 variety; and

17 4. Research data that would assist the Department in future
18 commercialization of industrial hemp.

19 B. A licensee shall notify the Department immediately of any
20 changes in a reported harvest date by more than five (5) days.

21 SECTION 20. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 3-407 of Title 2, unless there
23 is created a duplication in numbering, reads as follows:

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1 A. Any plants of the licensee are subject to routine inspection
2 and sampling to verify that the delta-9 tetrahydrocannabinol
3 concentration of the plants planted does not exceed three-tenths of
4 one percent (0.3%) on a dry weight basis. The Department shall
5 notify each licensee of the scope of the inspection and the process
6 by which the inspection will be conducted.

7 B. In addition to any routine inspection and sampling under
8 subsection A of this section, the Department may inspect and take
9 samples from any licensee's plants during normal business hours
10 without advance notice.

11 C. During an inspection and sampling, the Department shall make
12 a good faith attempt to have the licensee present at the time of
13 inspection and sampling. The licensee or authorized representative
14 shall provide the Department's inspector with complete and
15 unrestricted access to all plants, parts and seeds, whether growing
16 or harvested, and all land, buildings and other structures used for
17 the growth, cultivation, harvesting or storage of industrial hemp,
18 and all documents and records pertaining to the licensee's
19 industrial hemp-growing and cultivation operation.

20 D. The licensee shall pay for any inspection and laboratory
21 analysis costs that the Department deems necessary within thirty
22 (30) days of the date of the receipt of an invoice for the costs.
23 The Department shall waive all inspection or sampling costs if no
24

1 inconsistencies or violations are identified that are not part of
2 the routine inspection process.

3 E. The Department shall promulgate rules to establish a process
4 by which a licensee may contest the procedures, protocols and
5 results or findings of the inspection.

6 SECTION 21. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 3-408 of Title 2, unless there
8 is created a duplication in numbering, reads as follows:

9 A. The Department may deny, revoke or suspend a license if the
10 licensee:

11 1. Violates any provision of this Oklahoma Industrial Hemp
12 Agricultural Pilot Program or rules adopted pursuant to the program;

13 2. Engages in fraud or deception in the procurement of or
14 attempt to procure a license under this Oklahoma Industrial Hemp
15 Agricultural Pilot Program or provides false information on a
16 license application;

17 3. Refuses or fails to cooperate and assist the Department with
18 the inspection process;

19 4. Refuses or fails to provide any information required or
20 requested by the Department for purposes of the Oklahoma Industrial
21 Hemp Agricultural Pilot Program;

22 5. Knowingly provides false, misleading or incorrect
23 information pertaining to the licensee's cultivation of industrial
24 hemp to the Department by any means, including in information

1 provided in any application form, report, record or inspection
2 required or maintained for purposes of the Oklahoma Industrial Hemp
3 Agricultural Pilot Program;

4 6. Fails to submit any report required by the Oklahoma
5 Industrial Hemp Agricultural Pilot Program; or

6 7. Fails to pay fees required by the Oklahoma Industrial Hemp
7 Agricultural Pilot Program.

8 B. If a sample of a licensee's industrial hemp tests higher
9 than three-tenths of one percent (0.3%) but less than one percent
10 (1%) delta-9 tetrahydrocannabinol concentration, the licensee shall
11 not be subject to any penalty under the Oklahoma Industrial Hemp
12 Agricultural Pilot Program if the crop is destroyed or utilized on
13 site in a manner approved of and verified by the Department.

14 SECTION 22. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 3-409 of Title 2, unless there
16 is created a duplication in numbering, reads as follows:

17 The Department shall study the feasibility of attracting federal
18 and private funding to implement the Oklahoma Industrial Hemp
19 Agricultural Pilot Program.

20 SECTION 23. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 3-410 of Title 2, unless there
22 is created a duplication in numbering, reads as follows:

23 There is hereby created in the State Treasury a revolving fund
24 for the State Board of Agriculture to be designated the "Oklahoma

1 Industrial Hemp Agricultural Pilot Program Fund". The fund shall be
2 a continuing fund, not subject to fiscal year limitations and shall
3 consist of all monies received by the State Board of Agriculture
4 from fees received and collected pursuant to the Oklahoma Industrial
5 Hemp Agricultural Pilot Program, donations, grants, contributions
6 and gifts from any public or private source. The Board may expend
7 funds for the purposes set forth in the Oklahoma Industrial Hemp
8 Agricultural Pilot Program. Expenditures from said fund shall be
9 made upon warrants issued by the State Treasurer against claims
10 filed as prescribed by law with the Director of the Office of
11 Management and Enterprise Services for approval and payment.

12 SECTION 24. This act shall become effective November 1, 2018.

13 Passed the Senate the 7th day of March, 2018.

14

15

Presiding Officer of the Senate

16

17 Passed the House of Representatives the ____ day of _____,

18 2018.

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Presiding Officer of the House
of Representatives

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