

1 ENGROSSED HOUSE AMENDMENT  
TO  
2 ENGROSSED SENATE BILL NO. 801 By: Coleman of the Senate  
3 and  
4 Marti of the House  
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6

7 An Act relating to medical marijuana; amending 63  
8 O.S. 2021, Section 425, as last amended by Section 5,  
9 Chapter 251, O.S.L. 2022 (63 O.S. Supp. 2022, Section  
10 425), which relates to discrimination against license  
11 holder; allowing for municipalities to modify their  
12 planning or zoning procedures to forbid medical  
13 marijuana businesses from operating in certain areas;  
14 and providing an effective date

13 AUTHOR: Add the following House Coauthor: Bashore  
14 AMENDMENT NO. 1. Strike the title, enacting clause, and entire bill  
15 and insert:

16 "An Act relating to medical marijuana; requiring  
17 licensed medical marijuana commercial growers to  
18 inform retail suppliers or electric cooperatives as  
19 to their license status; requiring transmission of  
20 monthly usage reports in certain format to the  
21 Oklahoma Medical Marijuana Authority; amending 63  
22 O.S. 2021, Section 427.3, as amended by Section 8,  
23 Chapter 251, O.S.L. 2022 (63 O.S. Supp. 2022, Section  
24 427.3), which relates to the Oklahoma Medical  
Marijuana and Patient Protection Act; requiring  
establishment of procedures to monitor, collect, and  
transmit certain usage information of licensed  
medical marijuana commercial growers; providing for  
the transmission of monthly usage reports; requiring  
the development of rules, exemptions, and procedures;  
providing for license revocation; providing for  
codification; and providing an effective date.

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

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

5 Every existing licensed medical marijuana commercial grower  
6 shall be required to inform retail suppliers or electric  
7 cooperatives utilized of their status as a licensed medical  
8 marijuana commercial grower within thirty (30) days after the  
9 effective date of this act. Every licensed medical marijuana  
10 commercial grower that receives a license after the effective date  
11 of this act shall inform retail suppliers or electric cooperatives  
12 utilized of their status as a licensed medical marijuana commercial  
13 grower at the time of the connection of services. As provided for  
14 in paragraph 12 of subsection D of Section 427.3 of Title 63 of the  
15 Oklahoma Statutes, a licensed medical marijuana commercial grower  
16 shall transmit monthly reports to the Oklahoma Medical Marijuana  
17 Authority providing the amount of electricity and water consumed.  
18 The monthly reports shall be transmitted in an electronic format  
19 that can be integrated with the seed-to-sale software of the  
20 Authority.

21 SECTION 2. AMENDATORY 63 O.S. 2021, Section 427.3, as  
22 amended by Section 8, Chapter 251, O.S.L. 2022 (63 O.S. Supp. 2022,  
23 Section 427.3), is amended to read as follows:

24

1 Section 427.3 A. There is hereby created the Oklahoma Medical  
2 Marijuana Authority which shall address issues related to the  
3 medical marijuana program in this state including, but not limited  
4 to, the issuance of patient licenses and medical marijuana business  
5 licenses, and the dispensing, cultivating, processing, testing,  
6 transporting, storage, research, and the use of and sale of medical  
7 marijuana pursuant to the Oklahoma Medical Marijuana and Patient  
8 Protection Act.

9 B. 1. Beginning on the effective date of this act, the  
10 Authority shall cease to be part of or a division of the State  
11 Department of Health and shall be deemed to be a separate and  
12 distinct agency, to be known as the Oklahoma Medical Marijuana  
13 Authority. The Authority and the Executive Director of the  
14 Authority shall continue to exercise their statutory powers, duties,  
15 and contractual responsibilities. All records, property, equipment,  
16 assets, monies, financial interests, liabilities, matters pending,  
17 and funds of the division shall be transferred to the Authority.

18 2. All licenses granted by the Department pertaining to medical  
19 marijuana shall maintain rights and privileges under the authority  
20 of the Authority; provided, however, that all licenses shall be  
21 subject to revocation, suspension, or disciplinary action for  
22 violation of any of the provisions of the Oklahoma Medical Marijuana  
23 and Patient Protection Act and rules promulgated by the Executive  
24 Director.

1       3. The Authority shall succeed to any contractual rights or  
2 responsibilities incurred by the Department pertaining to medical  
3 marijuana.

4       4. Rules promulgated by the State Commissioner of Health  
5 pertaining to medical marijuana that are in effect on the effective  
6 date of this act shall be immediately adopted and enforced by the  
7 Executive Director. The Executive Director maintains the authority  
8 to further promulgate and enforce rules.

9       5. The Department and the Authority may enter into an agreement  
10 for the transfer of personnel from the Department to the Authority.  
11 No employee shall be transferred to the Authority except on the  
12 freely given written consent of the employee. All employees who are  
13 transferred to the Authority shall not be required to accept a  
14 lesser grade or salary than presently received. All employees shall  
15 retain leave, sick, and annual time earned, and any retirement and  
16 longevity benefits which have accrued during their tenure with the  
17 Department. The transfer of personnel between the state agencies  
18 shall be coordinated with the Office of Management and Enterprise  
19 Services.

20       6. The expenses incurred by the Authority as a result of the  
21 transfer required by this subsection shall be paid by the Authority.

22       7. The division within the Department known as the Oklahoma  
23 Medical Marijuana Authority shall be abolished by the Department  
24 after the transfer has been completed.

1           8. The Office of Management and Enterprise Services shall  
2 coordinate the transfer of records, property, equipment, assets,  
3 funds, allotments, purchase orders, liabilities, outstanding  
4 financial obligations, or encumbrances provided for in this  
5 subsection.

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

11           D. The Authority 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 Authority;

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 this state does not violate  
19 federal law, work with the Banking Department and the State  
20 Treasurer to develop good practices and standards for banking and  
21 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 Executive Director deems appropriate. The  
3 fees charged pursuant to this paragraph shall not exceed the actual  
4 cost 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 an electronic procedure for monitoring,  
2 collecting, and transmitting licensed medical marijuana commercial  
3 growers' monthly usage of electricity and water provided by retail  
4 suppliers or electric cooperatives. The Authority shall provide  
5 licensed medical marijuana commercial growers a means to transmit  
6 monthly reports regarding the amounts of electricity and water  
7 consumed by licensed medical marijuana commercial growers. In  
8 addition, the Authority shall develop rules, exemptions from the  
9 requirements of this paragraph, and any necessary procedures for the  
10 metering of the usage of electricity and water by licensed medical  
11 marijuana commercial growers that are not supplied by retail  
12 suppliers or electric cooperatives including, but not limited to,  
13 the usage of well water and gas-powered generators. Refusal or  
14 failure to submit the required monthly usage reports or use of an  
15 unpermitted water source by a licensed medical marijuana commercial  
16 grower shall result in the permanent revocation of the medical  
17 marijuana commercial grower license.

18        SECTION 3. This act shall become effective November 1st, 2023."  
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1 ENGROSSED SENATE  
2 BILL NO. 801

By: Coleman of the Senate

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4 Marti of the House

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6 An Act relating to medical marijuana; amending 63  
7 O.S. 2021, Section 425, as last amended by Section 5,  
8 Chapter 251, O.S.L. 2022 (63 O.S. Supp. 2022, Section  
9 425), which relates to discrimination against license  
10 holder; allowing for municipalities to modify their  
11 planning or zoning procedures to forbid medical  
12 marijuana businesses from operating in certain areas;  
13 and providing an effective date.

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

15 SECTION 4. AMENDATORY 63 O.S. 2021, Section 425, as last  
16 amended by Section 5, Chapter 251, O.S.L. 2022 (63 O.S. Supp. 2022,  
17 Section 425), is amended to read as follows:

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

24 B. Unless a failure to do so would cause an employer the  
potential to lose a monetary or licensing-related benefit under  
federal law or regulations, an employer may not discriminate against

1 a person in hiring, termination or imposing any term or condition of  
2 employment or otherwise penalize a person based upon the status of  
3 the person as a medical marijuana patient licensee. Employers may  
4 take action against a medical marijuana patient licensee if the  
5 licensee uses or possesses marijuana while in his or her place of  
6 employment or during the hours of employment. Employers may not  
7 take action against a medical marijuana patient licensee solely  
8 based upon the status of an employee as a medical marijuana patient  
9 licensee or the results of a drug test showing positive for  
10 marijuana or its components.

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

17 D. No medical marijuana patient licensee may be denied custody  
18 of or visitation or parenting time with a minor child, and there is  
19 no presumption of neglect or child endangerment for conduct allowed  
20 under this law unless the behavior of the medical marijuana patient  
21 licensee creates an unreasonable danger to the safety of the minor  
22 child.

23 E. No person who possesses a medical marijuana patient license  
24 may be unduly withheld from holding another state-issued license by

1 virtue of his or her status as a medical marijuana patient licensee  
2 including, but not limited to, a concealed carry permit.

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

6 ~~2.~~ For purposes of this subsection, an undue change or  
7 restriction of municipal zoning laws means an act which entirely  
8 prevents medical marijuana dispensaries from operating within  
9 municipal boundaries as a matter of law.

10 G. 1. Municipalities may follow their standard planning and  
11 zoning procedures to determine if certain zones or districts would  
12 be appropriate for locating marijuana-licensed premises, medical  
13 marijuana businesses, or any other premises where marijuana or its  
14 by-products are cultivated, grown, processed, stored, or  
15 manufactured.

16 2. After the effective date of this act, municipalities may  
17 modify their standard planning and zoning procedures to forbid  
18 certain zones or districts within the municipality for the operation  
19 of a marijuana-licensed premises, medical marijuana businesses, or  
20 any other premises where marijuana or its by-products are  
21 cultivated, grown, processed, stored, or manufactured; provided, any  
22 medical marijuana businesses licensed prior to the effective date of  
23 this act may continue to operate until such time they are no longer  
24 licensed by the Oklahoma Medical Marijuana Authority.

1           3. A medical marijuana dispensary does not include those other  
2 entities licensed by the Oklahoma Medical Marijuana Authority as  
3 marijuana-licensed premises, medical marijuana businesses or other  
4 facilities or locations where marijuana or any product containing  
5 marijuana or its by-products are cultivated, grown, processed,  
6 stored or manufactured.

7           ~~G.~~ H. The location of any medical marijuana dispensary is  
8 specifically prohibited within one thousand (1,000) feet of any  
9 public school or private school. The distance indicated in this  
10 subsection shall be measured from the nearest property line of such  
11 public school or private school to the nearest perimeter wall of the  
12 licensed premises of such medical marijuana dispensary. If a  
13 medical marijuana dispensary met the requirements of this subsection  
14 at the time of its initial licensure, the medical marijuana  
15 dispensary licensee shall be permitted to continue operating at the  
16 licensed premises in the same manner and not be subject to  
17 nonrenewal or revocation due to subsequent events or changes in  
18 regulations occurring after licensure that would render the medical  
19 marijuana dispensary in violation by being within one thousand  
20 (1,000) feet of a public school or private school. If any public  
21 school or private school is established within one thousand (1,000)  
22 feet of any medical marijuana dispensary after such medical  
23 marijuana dispensary has been licensed, the provisions of this  
24 subsection shall not be a deterrent to the renewal of such license

1 or warrant revocation of the license. For purposes of this  
2 subsection, a property owned, used or operated by a public school or  
3 by a private school that is not used for classroom instruction on  
4 core curriculum, such as an administrative building, athletic  
5 facility, ballpark, field or stadium, shall not constitute a public  
6 school or private school unless such property is located on the same  
7 campus as a building used for classroom instruction on core  
8 curriculum.

9 ~~H.~~ I. Research shall be provided for under this law. A  
10 researcher may apply to the Oklahoma Medical Marijuana Authority for  
11 a special research license. The research license shall be granted,  
12 provided the applicant meets the criteria listed in the Oklahoma  
13 Medical Marijuana and Patient Protection Act. Research licensees  
14 shall be required to file monthly consumption reports to the  
15 Authority with amounts of marijuana used for research. Biomedical  
16 and clinical research which is subject to federal regulations and  
17 institutional oversight shall not be subject to oversight by the  
18 Authority.

19 SECTION 5. This act shall become effective November 1, 2023.  
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1 Passed the Senate the 22nd day of March, 2023.

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3 \_\_\_\_\_  
4 Presiding Officer of the Senate

5 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
6 2023.

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9 Presiding Officer of the House  
10 of Representatives