

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 CONFERENCE COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL 437

By: Garvin of the Senate

and

Marti of the House

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10 CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to medical marijuana; amending 63
12 O.S. 2021, Section 420, as amended by Section 1,
13 Chapter 251, O.S.L. 2022 (63 O.S. Supp. 2022, Section
14 420), which relates to medical marijuana patient
15 license; prohibiting colocation of recommending
16 physicians for minor patient; requiring certain
17 attestation; clarifying certain requirement;
18 directing promulgation of certain rules; requiring
19 qualifying medical conditions for recommendations;
20 requiring in-person physical examination; providing
21 exception; amending 63 O.S. 2021, Sections 421, 422,
22 and 423, as amended by Sections 1, 2, and 3, Chapter
23 332, O.S.L. 2022, and 424 (63 O.S. Supp. 2022,
24 Sections 421, 422, and 423), which relate to
licensing requirements for medical marijuana
dispensaries, commercial growers, processors, and
transporters; providing for temporary and annual
licenses; updating language; amending 63 O.S. 2021,
Section 427.2, as last amended by Section 1, Chapter
317, O.S.L. 2022 (63 O.S. Supp. 2022, Section 427.2),
which relates to definitions; modifying definition;
amending 63 O.S. 2021, Section 427.8, which relates
to municipal and county zoning rights; updating
statutory references; amending 63 O.S. 2021, Section
427.10, as amended by Section 12, Chapter 251, O.S.L.
2022 (63 O.S. Supp. 2022, Section 427.10), which
relates to physicians who may provide a

1 recommendation; directing creation of certain
2 registry; requiring registration by physicians;
3 requiring compliance with medical education and
4 continuing medical education requirements; directing
5 promulgation of certain rules in consultation with
6 specified boards; amending 63 O.S. 2021, Section
7 427.14, as last amended by Section 5 of Enrolled
8 House Bill No. 2095 of the 1st Session of the 59th
9 Oklahoma Legislature (63 O.S. Supp. 2022, Section
10 427.14), which relates to medical marijuana business
11 license; modifying scope of certain definition;
12 creating temporary and annual licensing program for
13 certain medical marijuana businesses; stating
14 conditions for temporary licenses; requiring
15 adherence to certain rules and regulations;
16 clarifying obligations of the Oklahoma Medical
17 Marijuana Authority when issuing temporary licenses;
18 stating length of term of temporary licenses;
19 providing for extensions under certain circumstances;
20 establishing fees for temporary licenses and
21 extensions; requiring submission of certain
22 information to the Authority; prohibiting issuance of
23 license until certain inspections are completed;
24 authorizing rejection of applications; defining term;
clarifying circumstances that allow for the issuance
of annual medical marijuana business licenses;
requiring current licensees to submit certain
documentation prior to renewal; establishing
timelines and procedures; requiring person issued a
temporary and annual license to annually submit
certain documentation when seeking renewal of the
license; requiring insurance verification for
licensees transporting medical marijuana; requiring
an applicant to submit verification of ownership or
lease of a licensed medical marijuana business
premises; prohibiting multiple licenses at same
location; providing exception; amending Section 3,
Chapter 328, O.S.L. 2022 (63 O.S. Supp. 2022, Section
427.14b), which relates to credentials required for
employees to work in licensed medical marijuana
business; requiring dispensary employees to comply
with education and continuing education requirements;
directing promulgation of certain rules; authorizing
the Oklahoma Medical Marijuana Authority to require
certain application for transfer of license;
prohibiting transfer without approval; allowing
Authority to revoke license or forbid future

1 licenses; establishing fee for application; providing
2 for promulgation of rules; prohibiting transfers
3 during certain investigations; allowing for only one
4 transfer per year; amending 63 O.S. 2021, Section
5 427.16, as last amended by Section 7 of Enrolled
6 House Bill No. 2095 of the 1st Session of the 59th
7 Oklahoma Legislature (63 O.S. Supp. 2022, Section
8 427.16), which relates to medical marijuana
9 transporter license; creating temporary licensing
10 program for medical marijuana transporters;
11 specifying certain requirements; providing exception
12 under certain circumstances; allowing the Oklahoma
13 Medical Marijuana Authority to revoke exception;
14 directing promulgation of rules to impose limits on
15 tetrahydrocannabinol (THC) potency of medical
16 marijuana and medical marijuana products; setting
17 certain limits on potency; prohibiting licensed
18 medical marijuana dispensary from selling medical
19 marijuana or medical marijuana product that exceeds
20 potency limits; amending 63 O.S. 2021, Section
21 427.21, as amended by Section 2, Chapter 329, O.S.L.
22 2022 (63 O.S. Supp. 2022, Section 427.21), which
23 relates to advertising; prohibiting certain types of
24 events to be hosted or advertised; providing for the
promulgation of rules for certain events; directing
licensed medical marijuana processors and licensed
medical marijuana commercial growers to sell certain
medical marijuana products in pre-packaged form;
providing requirements for packaging; allowing for
the display and smelling of marijuana; amending
Section 2 of Enrolled Senate Bill No. 913 of the 1st
Session of the 59th Oklahoma Legislature, which
relates to medical marijuana bond requirement;
providing for promulgation of rules; providing for
codification; providing effective dates; and
declaring an emergency.

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

SECTION 1. AMENDATORY 63 O.S. 2021, Section 420, as
amended by Section 1, Chapter 251, O.S.L. 2022 (63 O.S. Supp. 2022,
Section 420), is amended to read as follows:

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

- 3 1. Consume marijuana legally;
- 4 2. Legally possess up to three (3) ounces or eighty-four and
5 nine-tenths (84.9) grams of marijuana on their person;
- 6 3. Legally possess six mature marijuana plants and the
7 harvested marijuana therefrom;
- 8 4. Legally possess six seedling plants;
- 9 5. Legally possess one (1) ounce or twenty-eight and three-
10 tenths (28.3) grams of concentrated marijuana;
- 11 6. Legally possess seventy-two (72) ounces or two thousand
12 thirty-seven and six-tenths (2,037.6) grams of edible marijuana;
- 13 7. Legally possess up to eight (8) ounces or two hundred
14 twenty-six and four-tenths (226.4) grams of marijuana in their
15 residence; and
- 16 8. Legally possess seventy-two (72) ounces of topical
17 marijuana.

18 B. Possession of up to one and one-half (1.5) ounces or forty-
19 two and forty-five one-hundredths (42.45) grams of marijuana by
20 persons who can state a medical condition, but are not in possession
21 of a state-issued medical marijuana patient license, shall
22 constitute a misdemeanor offense not subject to imprisonment but
23 punishable by a fine not to exceed Four Hundred Dollars (\$400.00).
24 Any law enforcement officer who comes in contact with a person in

1 violation of this subsection and who is satisfied as to the identity
2 of the person, as well as any other pertinent information the law
3 enforcement officer deems necessary, shall issue to the person a
4 written citation containing a notice to answer the charge against
5 the person in the appropriate court. Upon receiving the written
6 promise of the alleged violator to answer as specified in the
7 citation, the law enforcement officer shall release the person upon
8 personal recognizance unless there has been a violation of another
9 provision of law.

10 C. The Oklahoma Medical Marijuana Authority shall be
11 established which shall receive applications for medical marijuana
12 patient and caregiver license recipients, dispensaries, growers and
13 processors within sixty (60) days of the passage of this initiative.

14 D. The Authority shall, within thirty (30) days of passage of
15 this initiative, make available on its website, in an easy-to-find
16 location, an application for a medical marijuana patient license.
17 The license shall be valid for two (2) years. The biannual
18 application fee shall be One Hundred Dollars (\$100.00), or Twenty
19 Dollars (\$20.00) for individuals on Medicaid, Medicare or SoonerCare
20 or one hundred percent (100%) disabled veterans. The methods of
21 payment shall be provided on the website of the Authority. Reprints
22 of the medical marijuana patient license shall be Twenty Dollars
23 (\$20.00).

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1 E. A short-term medical marijuana patient license application
2 shall also be made available on the website of the Authority. A
3 short-term medical marijuana patient license shall be granted to any
4 applicant who can meet the requirements for a two-year medical
5 marijuana patient license, but whose physician recommendation for
6 medical marijuana is only valid for sixty (60) days. Short-term
7 medical marijuana patient licenses shall be issued for sixty (60)
8 days. The fee for a short-term medical marijuana patient license,
9 reprints of the short-term medical marijuana patient license and the
10 procedure for extending or renewing the license shall be determined
11 by the Executive Director of the Authority.

12 F. A temporary medical marijuana patient license application
13 shall also be available on the website of the Authority for
14 residents of other states. Temporary medical marijuana patient
15 licenses shall be granted to medical marijuana license holders from
16 other states, provided that such states have state-regulated medical
17 marijuana programs and applicants can prove they are members of such
18 programs. Temporary medical marijuana patient licenses shall be
19 issued for thirty (30) days. The cost for a temporary medical
20 marijuana patient license shall be One Hundred Dollars (\$100.00).
21 Renewal shall be granted with resubmission of a new application. No
22 additional criteria shall be required. Reprints of the temporary
23 medical marijuana patient license shall be Twenty Dollars (\$20.00).

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1 G. Medical marijuana patient license applicants shall submit
2 their applications to the Authority for approval. The applicant
3 shall be a resident of this state and shall prove residency by a
4 valid driver license, utility bills, or other accepted methods.

5 H. The Authority shall review the medical marijuana patient
6 license application; approve, reject or deny the application; and
7 mail the approval, rejection or denial letter stating any reasons
8 for the rejection or denial to the applicant within fourteen (14)
9 business days of receipt of the application. Approved applicants
10 shall be issued a medical marijuana patient license which shall act
11 as proof of his or her approved status. Applications may only be
12 rejected or denied based on the applicant not meeting stated
13 criteria or improper completion of the application.

14 I. The Authority shall make available, both on its website and
15 through a telephone verification system, an easy method to validate
16 the authenticity of the medical marijuana patient license by the
17 unique 24-character identification number.

18 J. The Authority shall ensure that all medical marijuana
19 patient and caregiver records and information are sealed to protect
20 the privacy of medical marijuana patient license applicants.

21 K. A caregiver license shall be made available for qualified
22 caregivers of a medical marijuana patient license holder who is
23 homebound. As provided in Section 427.11 of this title, the
24 caregiver license shall provide the caregiver the same rights as the

1 medical marijuana patient licensee including the ability to possess
2 marijuana, marijuana products and mature and immature plants
3 pursuant to the Oklahoma Medical Marijuana and Patient Protection
4 Act, but excluding the ability to use marijuana or marijuana
5 products unless the caregiver has a medical marijuana patient
6 license. Applicants for a caregiver license shall submit proof of
7 the license status and homebound status of the medical marijuana
8 patient and proof that the applicant is the designee of the medical
9 marijuana patient. The applicant shall also submit proof that he or
10 she is eighteen (18) years of age or older and proof of his or her
11 state residency.

12 L. All applicants for a medical marijuana patient license shall
13 be eighteen (18) years of age or older. A special exception shall
14 be granted to an applicant under the age of eighteen (18); however,
15 these applications shall be signed by two physicians and the parent
16 or legal guardian of the applicant. The two physicians shall not be
17 located at the same physical address. At least one of the
18 physicians shall attest that the minor applicant has been under the
19 routine care of the physician for not less than one (1) year, or not
20 less than five (5) years if the minor patient has only been seen by
21 the physician through telemedicine, or that the minor applicant was
22 referred to the physician by a physician whose care the minor
23 applicant has been under for not less than one (1) year or not less

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1 than five (5) years if the minor patient has only been seen by the
2 physician through telemedicine.

3 M. All applications for a medical marijuana patient license
4 shall be signed by ~~an Oklahoma~~ a physician located in this state and
5 licensed by and in good standing with the State Board of Medical
6 Licensure and Supervision, the State Board of Osteopathic Examiners,
7 or the Board of Podiatric Medical Examiners. There are no
8 qualifying conditions for patients eighteen (18) years of age or
9 older, unless the patient is currently enrolled in a public school
10 in this state. The Executive Director shall consult with
11 appropriate medical licensure boards or organizations representing
12 healthcare providers that oversee the care of pediatric patients in
13 this state to promulgate rules to specify qualifying medical
14 conditions for a medical marijuana patient under eighteen (18) years
15 of age, or for patients eighteen (18) years of age or older who are
16 currently enrolled in a public school in this state, for licensure.
17 A medical marijuana patient license shall be recommended according
18 to the accepted standards a reasonable and prudent physician would
19 follow when recommending or approving any medication, and may only
20 be recommended for qualifying medical conditions approved by the
21 Executive Director for patients under eighteen (18) years of age, or
22 who are currently enrolled in a public school in this state. Before
23 issuing a medical marijuana recommendation to a minor patient, a
24 physician shall first conduct an in-person examination of the

1 patient. Unless the physician certifies that the patient is
2 homebound and in need of a caregiver under subsection K of this
3 section. No physician may be unduly stigmatized or harassed for
4 signing a medical marijuana patient license application.

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

9 SECTION 2. AMENDATORY 63 O.S. 2021, Section 421, as
10 amended by Section 1, Chapter 332, O.S.L. 2022 (63 O.S. Supp. 2022,
11 Section 421), is amended to read as follows:

12 Section 421. A. The Oklahoma Medical Marijuana Authority shall
13 make available on its website in an easy-to-find location ~~an~~
14 ~~application~~ applications for a temporary medical marijuana
15 dispensary license and annual medical marijuana dispensary license.
16 The application ~~fee to~~ fees for the temporary or annual license
17 shall be paid by the applicant ~~shall be~~ in the amounts provided for
18 in Section 427.14 of this title. A method of payment for the
19 application ~~fee~~ fees shall be provided on the website of the
20 Authority. ~~Dispensary~~ Medical marijuana dispensary applicants must
21 all be residents of Oklahoma. Any entity applying for a temporary
22 or annual medical marijuana dispensary license must be owned by an
23 Oklahoma resident and must be registered to do business in Oklahoma.
24 The Authority shall have ninety (90) business days to review the

1 application for a temporary medical marijuana dispensary license;
2 approve, reject or deny the application; and mail the approval,
3 rejection or denial letter stating reasons for the rejection or
4 denial to the applicant.

5 B. ~~The~~ In addition to the requirements provided for in the
6 Oklahoma Medical Marijuana and Patient Protection Act, the Authority
7 shall approve all applications which meet the following criteria:

8 1. The applicant must be twenty-five (25) years of age or
9 older;

10 2. The applicant, if applying as an individual, must show
11 residency in the State of Oklahoma;

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

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

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

19 6. All applicants must disclose all ownership interests in the
20 dispensary.

21 Applicants with a nonviolent felony conviction in the last two
22 (2) years, any other felony conviction in the last five (5) years,
23 inmates in the custody of the Department of Corrections or any
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1 person currently incarcerated shall not qualify for a temporary or
2 annual medical marijuana dispensary license.

3 C. Licensed medical marijuana dispensaries shall be required to
4 complete a monthly sales report to the Authority. This report shall
5 be due on the fifteenth of each month and provide reporting on the
6 previous month. This report shall detail the weight of marijuana
7 purchased at wholesale and the weight of marijuana sold to licensed
8 medical marijuana patients and licensed caregivers and account for
9 any waste. The report shall show total sales in dollars, tax
10 collected in dollars, and tax due in dollars. The Authority shall
11 have oversight and auditing responsibilities to ensure that all
12 marijuana being grown is accounted for.

13 D. Only a licensed medical marijuana dispensary may conduct
14 retail sales of marijuana or marijuana derivatives. Beginning on
15 the effective date of this act, licensed medical marijuana
16 dispensaries shall be authorized to package and sell pre-rolled
17 marijuana to licensed medical marijuana patients and licensed
18 caregivers. The products described in this subsection shall contain
19 only the ground parts of the marijuana plant and shall not include
20 marijuana concentrates or derivatives. The total net weight of each
21 pre-roll packaged and sold by a medical marijuana dispensary shall
22 not exceed one (1) gram. These products shall be tested, packaged
23 and labeled in accordance with Oklahoma law and rules promulgated by
24 the Authority.

1 E. No medical marijuana dispensary shall offer or allow a
2 medical marijuana patient licensee, caregiver licensee or other
3 member of the public to handle or otherwise have physical contact
4 with any medical marijuana not contained in a sealed or separate
5 package. Provided, such prohibition shall not preclude an employee
6 of the medical marijuana dispensary from handling loose or
7 nonpackaged medical marijuana to be placed in packaging consistent
8 with the Oklahoma Medical Marijuana and Patient Protection Act and
9 the rules promulgated by the Authority for the packaging of medical
10 marijuana for retail sale. Provided, further, such prohibition
11 shall not prevent a medical marijuana dispensary from displaying
12 samples of its medical marijuana in separate display cases, jars or
13 other containers and allowing medical marijuana patient licensees
14 and caregiver licensees the ability to handle or smell the various
15 samples as long as the sample medical marijuana is used for display
16 purposes only and is not offered for retail sale.

17 SECTION 3. AMENDATORY 63 O.S. 2021, Section 422, as
18 amended by Section 2, Chapter 332, O.S.L. 2022 (63 O.S. Supp. 2022,
19 Section 422), is amended to read as follows:

20 Section 422. A. The Oklahoma Medical Marijuana Authority shall
21 make available on its website in an easy-to-find location ~~an~~
22 ~~application~~ applications for a temporary medical marijuana
23 commercial grower license and annual medical marijuana commercial
24 grower license. The application ~~fee~~ fees for the temporary or

1 annual license shall be paid by the applicant in the amounts
2 provided for in Section 427.14 of this title. A method of payment
3 for the application ~~fee~~ fees shall be provided on the website of the
4 Authority. The Authority shall have ninety (90) days to review the
5 application for a temporary medical marijuana commercial grower
6 license; approve, reject or deny the application; and mail the
7 approval, rejection or denial letter stating the reasons for the
8 rejection or denial to the applicant.

9 B. ~~The~~ In addition to the requirements provided for in the
10 Oklahoma Medical Marijuana and Patient Protection Act, the Authority
11 shall approve all applications which meet the following criteria:

12 1. The applicant must be twenty-five (25) years of age or
13 older;

14 2. The applicant, if applying as an individual, must show
15 residency in the State of Oklahoma;

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

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

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

23 6. All applicants must disclose all ownership interests in the
24 commercial grower operation.

1 Applicants with a nonviolent felony conviction in the last two
2 (2) years, any other felony conviction in the last five (5) years,
3 inmates in the custody of the Department of Corrections or any
4 person currently incarcerated shall not qualify for a temporary or
5 annual medical marijuana commercial grower license.

6 C. A licensed medical marijuana commercial grower may sell
7 marijuana to a licensed medical marijuana dispensary or a licensed
8 medical marijuana processor. Further, sales by a licensed medical
9 marijuana commercial grower shall be considered wholesale sales and
10 shall not be subject to taxation. Under no circumstances may a
11 licensed medical marijuana commercial grower sell marijuana directly
12 to a licensed medical marijuana patient or licensed medical
13 marijuana caregiver. A licensed medical marijuana commercial grower
14 may only sell at the wholesale level to a licensed medical marijuana
15 dispensary, a licensed medical marijuana commercial grower or a
16 licensed medical marijuana processor. If the federal government
17 lifts restrictions on buying and selling marijuana between states,
18 then a licensed medical marijuana commercial grower would be allowed
19 to sell and buy marijuana wholesale from, or to, an out-of-state
20 wholesale provider. A licensed medical marijuana commercial grower
21 shall be required to complete a monthly yield and sales report to
22 the Authority. This report shall be due on the fifteenth of each
23 month and provide reporting on the previous month. This report
24 shall detail the amount of marijuana harvested in pounds, the amount

1 of drying or dried marijuana on hand, the amount of marijuana sold
2 to licensed processors in pounds, the amount of waste in pounds, and
3 the amount of marijuana sold to licensed medical marijuana
4 dispensaries in pounds. Additionally, this report shall show total
5 wholesale sales in dollars. The Authority shall have oversight and
6 auditing responsibilities to ensure that all marijuana being grown
7 by licensed medical marijuana commercial growers is accounted for.

8 D. There shall be no limits on how much marijuana a licensed
9 medical marijuana commercial grower can grow.

10 E. Beginning on the effective date of this act, licensed
11 medical marijuana commercial growers shall be authorized to package
12 and sell pre-rolled marijuana to licensed medical marijuana
13 dispensaries. The products described in this subsection shall
14 contain only the ground parts of the marijuana plant and shall not
15 include marijuana concentrates or derivatives. The total net weight
16 of each pre-roll packaged and sold by licensed medical marijuana
17 commercial growers shall not exceed one (1) gram. These products
18 must be tested, packaged and labeled in accordance with Oklahoma law
19 and rules promulgated by the Authority.

20 SECTION 4. AMENDATORY 63 O.S. 2021, Section 423, as
21 amended by Section 3, Chapter 332, O.S.L. 2022 (63 O.S. Supp. 2022,
22 Section 423), is amended to read as follows:

23 Section 423. A. The Oklahoma Medical Marijuana Authority shall
24 make available on its website in an easy-to-find location ~~an~~

1 ~~application~~ applications for a temporary medical marijuana processor
2 license and annual medical marijuana ~~processing~~ processor license.

3 The Authority shall be authorized to issue two types of annual
4 medical marijuana processor licenses based on the level of risk
5 posed by the type of processing conducted:

- 6 1. Nonhazardous medical marijuana processor license; and
- 7 2. Hazardous medical marijuana processor license.

8 The application ~~fee~~ fees for a ~~nonhazardous or hazardous medical~~
9 ~~marijuana processor~~ the temporary or annual license shall be paid by
10 the applicant in the amounts provided for in Section 427.14 of this
11 title. A method of payment shall be provided on the website of the
12 Authority. The Authority shall have ninety (90) days to review the
13 application for a temporary medical marijuana processor license;
14 approve, reject or deny the application; and mail the approval,
15 rejection or denial letter stating the reasons for the rejection or
16 denial to the applicant.

17 B. The Authority shall approve all applications which meet the
18 following criteria:

19 1. The applicant must be twenty-five (25) years of age or
20 older;

21 2. The applicant, if applying as an individual, must show
22 residency in the State of Oklahoma;

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

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

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

6 6. All applicants must disclose all ownership interests in the
7 processing operation.

8 Applicants with a nonviolent felony conviction in the last two
9 (2) years, any other felony conviction in the last five (5) years,
10 inmates in the custody of the Department of Corrections or any
11 person currently incarcerated shall not qualify for a temporary or
12 annual medical marijuana ~~processing~~ processor license.

13 C. 1. A licensed medical marijuana processor may take
14 marijuana plants and distill or process these plants into
15 concentrates, edibles, and other forms for consumption.

16 2. As required by subsection D of this section, the Authority
17 shall make available a set of standards which shall be used by
18 licensed medical marijuana processors in the preparation of edible
19 marijuana products. The standards should be in line with current
20 food preparation guidelines. No excessive or punitive rules may be
21 established by the Authority.

22 3. Up to two times a year, the Authority may inspect a
23 processing operation and determine its compliance with the
24 preparation standards. If deficiencies are found, a written report

1 of the deficiency shall be issued to the licensed medical marijuana
2 processor. The licensed medical marijuana processor shall have one
3 (1) month to correct the deficiency or be subject to a fine of Five
4 Hundred Dollars (\$500.00) for each deficiency.

5 4. A licensed medical marijuana processor may sell marijuana
6 products it creates to a licensed medical marijuana dispensary or
7 any other licensed medical marijuana processor. All sales by a
8 licensed medical marijuana processor shall be considered wholesale
9 sales and shall not be subject to taxation.

10 5. Under no circumstances may a licensed medical marijuana
11 processor sell marijuana or any marijuana product directly to a
12 licensed medical marijuana patient or licensed medical marijuana
13 caregiver. However, a licensed medical marijuana processor may
14 process cannabis into a concentrated form for a licensed medical
15 marijuana patient for a fee.

16 6. Licensed medical marijuana processors shall be required to
17 complete a monthly yield and sales report to the Authority. This
18 report shall be due on the fifteenth of each month and shall provide
19 reporting on the previous month. This report shall detail the
20 amount of marijuana and medical marijuana products purchased in
21 pounds, the amount of marijuana cooked or processed in pounds, and
22 the amount of waste in pounds. Additionally, this report shall show
23 total wholesale sales in dollars. The Authority shall have
24

1 oversight and auditing responsibilities to ensure that all marijuana
2 being processed is accounted for.

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

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

20 F. Any device used for the processing or consumption of medical
21 marijuana shall be considered legal to be sold, manufactured,
22 distributed and possessed. No merchant, wholesaler, manufacturer or
23 individual may be unduly harassed or prosecuted for selling,
24 manufacturing or possessing marijuana paraphernalia.

1 SECTION 5. AMENDATORY 63 O.S. 2021, Section 424, is
2 amended to read as follows:

3 Section 424. A. A temporary medical marijuana transportation
4 transporter license will or an annual medical marijuana transporter
5 license shall be issued to qualifying applicants for a medical
6 marijuana retail dispensary, growing medical marijuana commercial
7 grower, or processing medical marijuana processor license. The
8 ~~transportation temporary or annual medical marijuana transporter~~
9 license ~~will~~ shall be issued at the time of approval of a ~~retail,~~
10 ~~growing, or processing~~ the temporary or annual medical marijuana
11 dispensary, medical marijuana commercial grower, or medical
12 marijuana processor license. The fees for the temporary or annual
13 license shall be paid by the applicant in the amounts provided for
14 in Section 427.14 of this title.

15 B. A ~~transportation~~ medical marijuana transporter license ~~will~~
16 shall allow the holder to transport medical marijuana from an
17 ~~Oklahoma licensed~~ Oklahoma-licensed medical marijuana ~~retailer~~
18 dispensary, licensed growing medical marijuana commercial grower
19 facility, or licensed medical marijuana processor facility to an
20 ~~Oklahoma licensed~~ Oklahoma-licensed medical marijuana ~~retailer~~
21 dispensary, licensed growing medical marijuana commercial grower
22 facility, or licensed medical marijuana processing facility.

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1 C. All medical marijuana or medical marijuana products shall be
2 transported in a locked container and clearly labeled "Medical
3 Marijuana or Derivative".

4 SECTION 6. AMENDATORY 63 O.S. 2021, Section 427.2, as
5 last amended by Section 1, Chapter 317, O.S.L. 2022 (63 O.S. Supp.
6 2022, Section 427.2), is amended to read as follows:

7 Section 427.2. As used in the Oklahoma Medical Marijuana and
8 Patient Protection Act:

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

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

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

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

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

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

2 a. designed or constructed to be significantly difficult
3 for children under five (5) years of age to open and
4 not difficult for normal adults to use properly as
5 defined by 16 C.F.R. 1700.15 (1995) and 16 C.F.R.
6 1700.20 (1995),

7 b. opaque so that the outermost packaging does not allow
8 the product to be seen without opening the packaging
9 material, and

10 c. resealable to maintain its child-resistant
11 effectiveness for multiple openings for any product
12 intended for more than a single use or containing
13 multiple servings;

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

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

18 9. "Complete application" means a document prepared in
19 accordance with the provisions set forth in the Oklahoma Medical
20 Marijuana and Patient Protection Act, rules promulgated pursuant
21 thereto, and the forms and instructions provided by the Department
22 including any supporting documentation required and the applicable
23 license application fee;

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

1 11. "Director" means the Executive Director of the Oklahoma
2 Medical Marijuana Authority;

3 12. "Dispense" means the selling of medical marijuana or a
4 medical marijuana product to a qualified patient or the designated
5 caregiver of the patient that is packaged in a suitable container
6 appropriately labeled for subsequent administration to or use by a
7 qualifying patient;

8 13. "Dispensary" means a medical marijuana dispensary, an
9 entity that has been licensed by the Department pursuant to the
10 Oklahoma Medical Marijuana and Patient Protection Act to purchase
11 medical marijuana or medical marijuana products from a licensed
12 medical marijuana commercial grower or medical marijuana processor,
13 sell medical marijuana or medical marijuana products to patients and
14 caregivers as defined under the Oklahoma Medical Marijuana and
15 Patient Protection Act, or sell or transfer products to another
16 dispensary;

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

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

24

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

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

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

13 19. "Good cause" for purposes of an initial, renewal or
14 reinstatement license application, or for purposes of discipline of
15 a licensee, means:

- 16 a. the licensee or applicant has violated, does not meet,
17 or has failed to comply with any of the terms,
18 conditions or provisions of the act, any rules
19 promulgated pursuant thereto, or any supplemental
20 relevant state or local law, rule or regulation,
21 b. the licensee or applicant has failed to comply with
22 any special terms or conditions that were placed upon
23 the license pursuant to an order of the State
24

1 Department of Health, Oklahoma Medical Marijuana
2 Authority or the municipality, or

3 c. the licensed premises of a medical marijuana business
4 or applicant have been operated in a manner that
5 adversely affects the public health or welfare or the
6 safety of the immediate vicinity in which the
7 establishment is located;

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

12 21. "Harvested marijuana" means post-flowering medical
13 marijuana not including trim, concentrate or waste;

14 22. "Heat- or pressure-based medical marijuana concentrate"
15 means a medical marijuana concentrate that was produced by
16 extracting cannabinoids from medical marijuana through the use of
17 heat or pressure;

18 23. "Immature plant" means a nonflowering marijuana plant that
19 has not demonstrated signs of flowering;

20 24. "Inventory tracking system" means the required tracking
21 system that accounts for medical marijuana from either the seed or
22 immature plant stage until the medical marijuana or medical
23 marijuana product is sold to a patient at a medical marijuana
24 dispensary, transferred to a medical marijuana research facility,

1 destroyed by a medical marijuana business or used in a research
2 project by a medical marijuana research facility;

3 25. "Licensed patient" or "patient" means a person who has been
4 issued a medical marijuana patient license by the State Department
5 of Health or Oklahoma Medical Marijuana Authority;

6 26. "Licensed premises" means the premises specified in an
7 application for a medical marijuana business license, medical
8 marijuana research facility license or medical marijuana education
9 facility license pursuant to the Oklahoma Medical Marijuana and
10 Patient Protection Act that are owned or in possession of the
11 licensee and within which the licensee is authorized to cultivate,
12 manufacture, distribute, sell, store, transport, test or research
13 medical marijuana or medical marijuana products in accordance with
14 the provisions of the Oklahoma Medical Marijuana and Patient
15 Protection Act and rules promulgated pursuant thereto;

16 27. "Manufacture" means the production, propagation,
17 compounding or processing of a medical marijuana product, excluding
18 marijuana plants, either directly or indirectly by extraction from
19 substances of natural or synthetic origin, or independently by means
20 of chemical synthesis, or by a combination of extraction and
21 chemical synthesis;

22 28. "Marijuana" shall have the same meaning as such term is
23 defined in Section 2-101 of this title and ~~shall not include any~~
24 ~~plant or material containing delta-8 or delta-10~~

1 ~~tetrahydrocannabinol which is grown, processed or sold pursuant to~~
2 ~~the provisions of the Oklahoma Industrial Hemp Program~~ any plant or
3 material derivative not defined therein shall be defined by the
4 Authority;

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

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

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

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

22 33. "Medical marijuana commercial grower" or "commercial
23 grower" means an entity licensed to cultivate, prepare and package
24 medical marijuana and transfer or contract for transfer medical

1 marijuana to a medical marijuana dispensary, medical marijuana
2 processor, any other medical marijuana commercial grower, medical
3 marijuana research facility, medical marijuana education facility
4 and pesticide manufacturers. A commercial grower may sell seeds,
5 flower or clones to commercial growers pursuant to the Oklahoma
6 Medical Marijuana and Patient Protection Act;

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

16 35. "Medical-marijuana-infused product" means a product infused
17 with medical marijuana including, but not limited to, edible
18 products, ointments and tinctures;

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

1 nebulizer, excluding live plant forms which are considered medical
2 marijuana;

3 37. "Medical marijuana processor" means a person or entity
4 licensed pursuant to the Oklahoma Medical Marijuana and Patient
5 Protection Act to operate a business including the production,
6 manufacture, extraction, processing, packaging or creation of
7 concentrate, medical-marijuana-infused products or medical marijuana
8 products as described in the Oklahoma Medical Marijuana and Patient
9 Protection Act;

10 38. "Medical marijuana research facility" or "research
11 facility" means a person or entity approved pursuant to the Oklahoma
12 Medical Marijuana and Patient Protection Act to conduct medical
13 marijuana research. A medical marijuana research facility is not a
14 medical marijuana business;

15 39. "Medical marijuana testing laboratory" or "laboratory"
16 means a public or private laboratory licensed pursuant to the
17 Oklahoma Medical Marijuana and Patient Protection Act, to conduct
18 testing and research on medical marijuana and medical marijuana
19 products;

20 40. "Medical marijuana transporter" or "transporter" means a
21 person or entity that is licensed pursuant to the Oklahoma Medical
22 Marijuana and Patient Protection Act. A medical marijuana
23 transporter does not include a medical marijuana business that
24 transports its own medical marijuana, medical marijuana concentrate

1 or medical marijuana products to a property or facility adjacent to
2 or connected to the licensed premises if the property is another
3 licensed premises of the same medical marijuana business;

4 41. "Medical marijuana waste" or "waste" means unused, surplus,
5 returned or out-of-date marijuana, plant debris of the plant of the
6 genus Cannabis including dead plants and all unused plant parts and
7 roots, except the term shall not include roots, stems, stalks and
8 fan leaves;

9 42. "Medical use" means the acquisition, possession, use,
10 delivery, transfer or transportation of medical marijuana, medical
11 marijuana products, medical marijuana devices or paraphernalia
12 relating to the administration of medical marijuana to treat a
13 licensed patient;

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

18 44. "Oklahoma physician" or "physician" means a physician
19 licensed by and in good standing with the State Board of Medical
20 Licensure and Supervision, the State Board of Osteopathic Examiners
21 or the Board of Podiatric Medical Examiners;

22 45. "Oklahoma resident" means an individual who can provide
23 proof of residency as required by the Oklahoma Medical Marijuana and
24 Patient Protection Act;

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

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

21 47. "Package" or "packaging" means any container or wrapper
22 that may be used by a medical marijuana business to enclose or
23 contain medical marijuana;

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

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

13 50. "Production batch" means:

14 a. any amount of medical marijuana concentrate of the
15 same category and produced using the same extraction
16 methods, standard operating procedures and an
17 identical group of harvest batch of medical marijuana,
18 or

19 b. any amount of medical marijuana product of the same
20 exact type, produced using the same ingredients,
21 standard operating procedures and the same production
22 batch of medical marijuana concentrate;

23 51. "Public institution" means any entity established or
24 controlled by the federal government, state government, or a local

1 government or municipality including, but not limited to,
2 institutions of higher education or related research institutions;

3 52. "Public money" means any funds or money obtained by the
4 holder from any governmental entity including, but not limited to,
5 research grants;

6 53. "Recommendation" means a document that is signed or
7 electronically submitted by a physician on behalf of a patient for
8 the use of medical marijuana pursuant to the Oklahoma Medical
9 Marijuana and Patient Protection Act;

10 54. "Registered to conduct business" means a person that has
11 provided proof that the business applicant is in good standing with
12 the Secretary of State and Oklahoma Tax Commission;

13 55. "Remediation" means the process by which the medical
14 marijuana flower or trim, which has failed microbial testing, is
15 processed into solvent-based medical marijuana concentrate and
16 retested as required by the Oklahoma Medical Marijuana and Patient
17 Protection Act;

18 56. "Research project" means a discrete scientific endeavor to
19 answer a research question or a set of research questions related to
20 medical marijuana and is required for a medical marijuana research
21 license. A research project shall include a description of a
22 defined protocol, clearly articulated goals, defined methods and
23 outputs, and a defined start and end date. The description shall
24 demonstrate that the research project will comply with all

1 requirements in the Oklahoma Medical Marijuana and Patient
2 Protection Act and rules promulgated pursuant thereto. All research
3 and development conducted by a medical marijuana research facility
4 shall be conducted in furtherance of an approved research project;

5 57. "Revocation" means the final decision by the Department
6 that any license issued pursuant to the Oklahoma Medical Marijuana
7 and Patient Protection Act is rescinded because the individual or
8 entity does not comply with the applicable requirements set forth in
9 the Oklahoma Medical Marijuana and Patient Protection Act or rules
10 promulgated pursuant thereto;

11 58. "School" means a public or private preschool, a public or
12 private elementary or secondary school, or a technology center
13 school which is primarily used for classroom instruction. A
14 homeschool, daycare or child-care facility shall not be considered a
15 "school" as used in the Oklahoma Medical Marijuana and Patient
16 Protection Act;

17 59. "Shipping container" means a hard-sided container with a
18 lid or other enclosure that can be secured in place. A shipping
19 container is used solely for the transport of medical marijuana,
20 medical marijuana concentrate, or medical marijuana products between
21 medical marijuana businesses, a medical marijuana research facility,
22 or a medical marijuana education facility;

23 60. "Solvent-based medical marijuana concentrate" means a
24 medical marijuana concentrate that was produced by extracting

1 cannabinoids from medical marijuana through the use of a solvent
2 approved by the Department;

3 61. "State Question" means Oklahoma State Question No. 788,
4 Initiative Petition No. 412, approved by a majority vote of the
5 citizens of Oklahoma on June 26, 2018;

6 62. "Strain" means the classification of marijuana or cannabis
7 plants in either pure sativa, indica, afghanica, ruderalis or hybrid
8 varieties;

9 63. "THC" means tetrahydrocannabinol, which is the primary
10 psychotropic cannabinoid in marijuana formed by decarboxylation of
11 naturally tetrahydrocannabinolic acid, which generally occurs by
12 exposure to heat;

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

22 65. "Transporter agent" means a person who transports medical
23 marijuana or medical marijuana products for a licensed transporter
24

1 and holds a transporter agent license pursuant to the Oklahoma
2 Medical Marijuana and Patient Protection Act;

3 66. "Universal symbol" means the image established by the State
4 Department of Health or Oklahoma Medical Marijuana Authority and
5 made available to licensees through its website indicating that the
6 medical marijuana or the medical marijuana product contains THC;

7 67. "Usable marijuana" means the dried leaves, flowers, oils,
8 vapors, waxes and other portions of the marijuana plant and any
9 mixture or preparation thereof, excluding seeds, roots, stems,
10 stalks and fan leaves; and

11 68. "Water-based medical marijuana concentrate" means a
12 concentrate that was produced by extracting cannabinoids from
13 medical marijuana through the use of only water, ice or dry ice.

14 SECTION 7. AMENDATORY 63 O.S. 2021, Section 427.8, is
15 amended to read as follows:

16 Section 427.8. A. The rights to possess the marijuana products
17 set forth in Section 420 of ~~Title 63 of the Oklahoma Statutes~~ this
18 title are cumulative and a duly licensed individual may possess at
19 any one time the totality of the items listed therein and not be in
20 violation of this act so long as the individual holds a valid
21 medical marijuana patient license or caregiver license.

22 B. Municipal and county governing bodies may not enact medical
23 marijuana guidelines which restrict or interfere with the rights of
24 a licensed patient or caregiver to possess, purchase, cultivate or

1 transport medical marijuana within the legal limits set forth in
2 ~~this act~~ the Oklahoma Medical Marijuana and Patient Protection Act
3 or ~~Section Sections 420 et seq. of Title 63 of the Oklahoma Statutes~~
4 through 426.1 of this title or require patients or caregivers to
5 obtain permits or licenses in addition to the state-required
6 licenses provided herein.

7 C. Nothing in ~~this act~~ the Oklahoma Medical Marijuana and
8 Patient Protection Act or ~~Section Sections 420 et seq. of Title 63~~
9 ~~of the Oklahoma Statutes~~ through 426.1 of this title shall prohibit
10 a residential or commercial property or business owner from
11 prohibiting the consumption of medical marijuana or medical
12 marijuana product by smoke or vaporization on the premises, within
13 the structures of the premises or within ten (10) feet of the
14 entryway to the premises. However, a medical marijuana patient
15 shall not be denied the right to consume or use other medical
16 marijuana products which are otherwise legal and do not involve the
17 smoking or vaporization of cannabis when lawfully recommended
18 pursuant to Section 420 of ~~Title 63 of the Oklahoma Statutes~~ this
19 title.

20 D. A medical marijuana patient or caregiver licensee shall not
21 be denied eligibility in public assistance programs including, but
22 not limited to, Medicaid, Supplemental Nutrition Assistance Program
23 (SNAP), Women, Infants, and Children Nutrition Program (WIC),
24 Temporary Assistance for Needy Families (TANF) or other such public

1 assistance programs based solely on his or her status as a medical
2 marijuana patient or caregiver licensee, unless required by federal
3 law.

4 E. A medical marijuana patient or caregiver licensee shall not
5 be denied the right to own, purchase or possess a firearm,
6 ammunition, or firearm accessories based solely on his or her status
7 as a medical marijuana patient or caregiver licensee. No state or
8 local agency, municipal or county governing authority shall
9 restrict, revoke, suspend or otherwise infringe upon the right of a
10 person to own, purchase or possess a firearm, ammunition, or firearm
11 accessories or any related firearms license or certification based
12 solely on their status as a medical marijuana patient or caregiver
13 licensee.

14 F. A medical marijuana patient or caregiver in actual
15 possession of a medical marijuana license shall not be subject to
16 arrest, prosecution or penalty in any manner or denied any right,
17 privilege or public assistance, under state law or municipal or
18 county ordinance or resolution including without limitation a civil
19 penalty or disciplinary action by a business, occupational or
20 professional licensing board or bureau, for the medical use of
21 marijuana in accordance with ~~this act~~ the Oklahoma Medical Marijuana
22 and Patient Protection Act.

23
24

1 G. A government medical assistance program shall not be
2 required to reimburse a person for costs associated with the medical
3 use of marijuana unless federal law requires reimbursement.

4 H. Unless otherwise required by federal law or required to
5 obtain federal funding:

6 1. No employer may refuse to hire, discipline, discharge or
7 otherwise penalize an applicant or employee solely on the basis of
8 such applicant's or employee's status as a medical marijuana
9 licensee; and

10 2. No employer may refuse to hire, discipline, discharge or
11 otherwise penalize an applicant or employee solely on the basis of a
12 positive test for marijuana components or metabolites, unless:

13 a. the applicant or employee is not in possession of a
14 valid medical marijuana license,

15 b. the licensee possesses, consumes or is under the
16 influence of medical marijuana or medical marijuana
17 product while at the place of employment or during the
18 fulfillment of employment obligations, or

19 c. the position is one involving safety-sensitive job
20 duties, as such term is defined in subsection K of
21 this section.

22 I. Nothing in ~~this act~~ the Oklahoma Medical Marijuana and
23 Patient Protection Act or ~~Section Sections~~ Sections 420 et seq. of Title 63
24 ~~of the Oklahoma Statutes~~ through 426.1 of this title shall:

1 1. Require an employer to permit or accommodate the use of
2 medical marijuana on the property or premises of any place of
3 employment or during hours of employment;

4 2. Require an employer, a government medical assistance
5 program, private health insurer, worker's compensation carrier or
6 self-insured employer providing worker's compensation benefits to
7 reimburse a person for costs associated with the use of medical
8 marijuana; or

9 3. Prevent an employer from having written policies regarding
10 drug testing and impairment in accordance with the ~~Oklahoma~~
11 ~~Standards for Workplace Drug and Alcohol Testing Act, Section 551 et~~
12 ~~seq. of Title 40 of the Oklahoma Statutes.~~

13 J. Any applicant or employee aggrieved by a willful violation
14 of this section shall have, as his or her exclusive remedy, the same
15 remedies as provided for in the Oklahoma Standards for Workplace
16 Drug and Alcohol Testing Act set forth in Section 563 of Title 40 of
17 the Oklahoma Statutes.

18 K. As used in this section:

19 1. "Safety-sensitive" means any job that includes tasks or
20 duties that the employer reasonably believes could affect the safety
21 and health of the employee performing the task or others including,
22 but not limited to, any of the following:

23 a. the handling, packaging, processing, storage, disposal
24 or transport of hazardous materials,

- b. the operation of a motor vehicle, other vehicle, equipment, machinery or power tools,
- c. repairing, maintaining or monitoring the performance or operation of any equipment, machinery or manufacturing process, the malfunction or disruption of which could result in injury or property damage,
- d. performing firefighting duties,
- e. the operation, maintenance or oversight of critical services and infrastructure including, but not limited to, electric, gas, and water utilities, power generation or distribution,
- f. the extraction, compression, processing, manufacturing, handling, packaging, storage, disposal, treatment or transport of potentially volatile, flammable, combustible materials, elements, chemicals or any other highly regulated component,
- g. dispensing pharmaceuticals,
- h. carrying a firearm, or
- i. direct patient care or direct child care; and

2. A "positive test for marijuana components or metabolites" means a result that is at or above the cutoff concentration level established by the United States Department of Transportation or Oklahoma law regarding being under the influence, whichever is lower.

1 L. All smokable, vaporized, vapable and e-cigarette medical
2 marijuana product inhaled through vaporization or smoked by a
3 medical marijuana licensee are subject to the same restrictions for
4 tobacco under ~~Section~~ Sections 1-1521 through 1-1527 of ~~Title 63 of~~
5 ~~the Oklahoma Statutes~~ this title, commonly referred to as the
6 "Smoking in Public Places and Indoor Workplaces Act".

7 SECTION 8. AMENDATORY 63 O.S. 2021, Section 427.10, as
8 amended by Section 12, Chapter 251, O.S.L. 2022 (63 O.S. Supp. 2022,
9 Section 427.10), is amended to read as follows:

10 Section 427.10. A. Only licensed Oklahoma allopathic,
11 osteopathic and podiatric physicians may provide a medical marijuana
12 recommendation for a medical marijuana patient license under the
13 Oklahoma Medical Marijuana and Patient Protection Act.

14 B. A physician who has not completed his or her first residency
15 shall not meet the definition of "physician" under this section and
16 any recommendation for a medical marijuana patient license shall not
17 be processed by the Oklahoma Medical Marijuana Authority.

18 C. No physician shall be subject to arrest, prosecution or
19 penalty in any manner or denied any right or privilege under state,
20 municipal or county statute, ordinance or resolution, including
21 without limitation a civil penalty or disciplinary action by the
22 State Board of Medical Licensure and Supervision, the State Board of
23 Osteopathic Examiners, the Board of Podiatric Medical Examiners or
24 by any other business, occupation or professional licensing board or

1 bureau, solely for providing a medical marijuana recommendation for
2 a patient or for monitoring, treating or prescribing scheduled
3 medication to patients who are medical marijuana licensees. The
4 provisions of this subsection shall not prevent the relevant
5 professional licensing boards from sanctioning a physician for
6 failing to properly evaluate the medical condition of a patient or
7 for otherwise violating the applicable physician-patient standard of
8 care.

9 D. A physician who recommends use of medical marijuana shall
10 not be located at the same physical address as a licensed medical
11 marijuana dispensary.

12 E. If the physician determines the continued use of medical
13 marijuana by the patient no longer meets the requirements set forth
14 in the Oklahoma Medical Marijuana and Patient Protection Act, the
15 physician shall notify the Oklahoma Medical Marijuana Authority and
16 the license shall be immediately voided without right to an
17 individual proceeding.

18 F. The Authority shall create and maintain a registry of
19 recommending physicians. Beginning January 1, 2025, to be eligible
20 to provide a medical marijuana recommendation to a licensed patient,
21 a physician shall be registered with the Authority.

22 G. To be registered with the Authority, a physician shall
23 comply with the medical education and continuing medical education
24 requirements described in subsection I of this section and shall

1 meet all other requirements established by law or rule for
2 recommending physicians. A minimum of two (2) hours of continuing
3 physician education related to medical marijuana shall be completed
4 by January 1, 2025, or within one (1) year of being listed on the
5 registry.

6 H. The Executive Director of the Authority shall promulgate
7 rules to establish medical education and continuing medical
8 education requirements for recommending physicians. The State Board
9 of Medical Licensure and Supervision, the State Board of Osteopathic
10 Examiners, and the Board of Podiatric Medical Examiners shall
11 provide the Executive Director with a list of approved courses for
12 initial training and certification for recommending physicians. The
13 Executive Director or licensure boards may consult with associations
14 representing licensees of such boards to approve education courses.
15 There shall be no less than one (1) hour of continuing education
16 each year for physicians making recommendations to patients under
17 eighteen (18) years of age or patients eighteen (18) years of age or
18 older who are enrolled in a public school in this state.

19 SECTION 9. AMENDATORY 63 O.S. 2021, Section 427.14, as
20 last amended by Section 5 of Enrolled House Bill No. 2095 of the 1st
21 Session of the 59th Oklahoma Legislature (63 O.S. Supp. 2022,
22 Section 427.14), is amended to read as follows:
23
24

1 Section 427.14. A. There is hereby created the medical
2 marijuana business license, which shall include the following
3 categories:

- 4 1. Medical marijuana commercial grower;
- 5 2. Medical marijuana processor;
- 6 3. Medical marijuana dispensary;
- 7 4. Medical marijuana transporter; and
- 8 5. Medical marijuana testing laboratory.

9 B. The Oklahoma Medical Marijuana Authority, with the aid of
10 the Office of Management and Enterprise Services, shall develop a
11 website for medical marijuana business license applications.

12 C. The Authority shall make available on its website in an
13 easy-to-find location, applications for a temporary medical
14 marijuana business license and annual medical marijuana business
15 license.

16 D. Beginning November 1, 2023, the Authority shall require all
17 persons or entities seeking licensure as a medical marijuana
18 commercial grower, medical marijuana processor, medical marijuana
19 dispensary, or medical marijuana transporter to first apply for a
20 temporary medical marijuana business license.

21 1. A temporary medical marijuana business license is a
22 conditional license and does not authorize the licensee to conduct
23 any sales of medical marijuana or marijuana products, the growing or
24 processing of marijuana, or the transportation of any medical

1 marijuana or marijuana products by the licensee. A temporary
2 medical marijuana business licensee shall follow all applicable
3 rules and regulations promulgated by the Authority.

4 2. A temporary medical marijuana business license does not
5 obligate the Authority to issue an annual medical marijuana business
6 license nor does the temporary medical marijuana business license
7 create a vested right in the holder to either an extension of the
8 temporary medical marijuana business license or to the granting of a
9 subsequent annual medical marijuana business license.

10 3. A temporary medical marijuana business license issued under
11 the provisions of this subsection shall be valid for one hundred
12 eighty (180) days from its effective date.

13 4. A temporary medical marijuana business license may be
14 extended by the Authority for additional ninety-day periods not to
15 exceed eighteen (18) months if:

16 a. an application for an annual license has been
17 submitted to the Authority prior to the initial
18 expiration date of the temporary medical marijuana
19 business license, and

20 b. the Authority determines that the application and
21 required documentation submitted by the applicant for
22 an annual medical marijuana business license is
23 deficient in some manner.

24

1 5. A nonrefundable application fee for a temporary medical
2 marijuana business license shall be assessed in the amount of One
3 Thousand Dollars (\$1,000.00). A nonrefundable fee of One Thousand
4 Dollars (\$1,000.00) shall be assessed for every ninety-day extension
5 requested by the holder of a temporary medical marijuana business
6 license and subsequently granted by the Authority.

7 6. In addition to the general requirements provided for in
8 subsection F of this section, persons or entities applying for a
9 temporary medical marijuana business license or applying to renew a
10 medical marijuana business license shall submit the following to the

11 Authority:

12 a. business-formation documents, which may include, but
13 are not limited to, articles of incorporation,
14 operating agreements, partnership agreements, and
15 fictitious business name statements. The applicant
16 shall also provide all documents filed with the
17 Secretary of State,

18 b. financial information pertaining to the operations of
19 the medical marijuana business, which shall include
20 the following:

21 (1) a list of funds belonging to the applicant held
22 in savings, checking, or other accounts
23 maintained by a financial institution. The
24 applicant shall provide for each account the name

1 of the financial institution, address of the
2 financial institution, account type, account
3 number, and amount of money in the account,

4 (2) a list of loans made to the applicant. For each
5 loan, the applicant shall provide the amount of
6 the loan, date of the loan, term of the loan,
7 security provided for the loan, and the name,
8 address, and phone number of the lender,

9 (3) a list of investments made into the medical
10 marijuana business. For each investment, the
11 applicant shall provide the amount of the
12 investment, date of the investment, term of the
13 investment, and the name, address, and phone
14 number of the investor, and

15 (4) a list of all monetary gifts, equipment, and
16 property of any kind given to the applicant for
17 the purpose of or in exchange for applying for or
18 operating a medical marijuana business. For each
19 gift, the applicant shall provide the value or a
20 description of the gift and the name, address,
21 and phone number of the provider of the gift,

22 c. a complete list of every individual who has a
23 financial interest in the medical marijuana business
24 who is not an owner of the medical marijuana business,

1 d. whether the applicant has an ownership or a financial
2 interest in any other medical marijuana business
3 licensed under the provisions of the Oklahoma Medical
4 Marijuana and Patient Protection Act,

5 e. a complete and detailed diagram of the proposed
6 premises. If changes to the proposed premises occur
7 during the application period, a revised set of plans
8 shall be submitted to the Authority for final
9 inspection. The diagram shall be to scale and shall
10 show the following:

11 (1) boundaries of the property and the proposed
12 premises to be licensed, showing all boundaries,
13 dimensions, entrances and exits, interior
14 partitions, walls, rooms, windows, doorways, and
15 common or shared entryways, and shall include a
16 brief statement or description of the principal
17 activity to be conducted therein,

18 (2) the location of medical marijuana business
19 activities that will take place in each area of
20 the premises, and limited-access areas,

21 (3) where all cameras are located and a number
22 assigned to each camera for identification
23 purposes, and

1 (4) if the proposed premises consists of only a
2 portion of the property, labels indicating which
3 part of the property is the proposed premises and
4 what the remaining property is used for,

5 f. if the applicant is not the landowner of the real
6 property upon which the premises is located, the
7 applicant shall provide to the Authority a document
8 from the landowner or the agent of the landowner that
9 states that the applicant has the right to occupy the
10 property and acknowledging the applicant may use the
11 property for the medical marijuana business activity
12 for which the applicant is applying for licensure. An
13 applicant shall also provide a copy of the rental
14 agreement, as applicable,

15 g. if the applicant is the landowner of the real property
16 upon which the premises is located, the applicant
17 shall provide to the Authority a copy of the title or
18 deed to the property,

19 h. if the applicant is applying for a medical marijuana
20 commercial grower license, the applicant shall also
21 submit the following:

22 (1) for indoor and mixed light cultivation,
23 identification of all power sources for
24 cultivation activities including, but not limited

1 to, illumination, heating, cooling, and
2 ventilation,

3 (2) if the applicant is proposing to use a diversion
4 from a waterbody, groundwater well, or rain
5 catchment system as a water source for
6 cultivation, include the following locations on
7 the property diagram with locations also provided
8 as coordinates in either latitude and longitude
9 or the Oklahoma Coordinate System:

10 (a) sources of water used, including the
11 location of waterbody diversion, pump
12 location, and distribution system, and

13 (b) location, type, and capacity of each storage
14 unit to be used for cultivation, and

15 (3) a proposed cultivation plan, which shall include
16 identification of all water sources used for
17 cultivation activities, and

18 i. evidence of insurance including, but not limited to:

19 (1) general liability insurance,

20 (2) workers' compensation insurance or a copy of an

21 Affidavit of Exempt Status filed with the

22 Oklahoma Workers' Compensation Commission if

23 compensation coverage is not required pursuant to

24 the Administrative Workers' Compensation Act, and

1 (3) product liability insurance.

2 7. The Authority may request additional information from the
3 applicant.

4 8. The Authority may reject an application for an annual
5 medical marijuana business license if the requirements for a
6 temporary medical marijuana business license or any provision of the
7 Oklahoma Medical Marijuana and Patient Protection Act are not
8 satisfied.

9 9. For purposes of this subsection, "financial interest"
10 concerning a medical marijuana business shall include any
11 contractual agreements for profit sharing, subcontracting, or
12 similar financial arrangements; provided, such disclosures alone
13 shall not automatically indicate ownership of the license or require
14 disclosure as an owner of the license.

15 E. 1. The Minus the fee of One Thousand Dollars (\$1,000.00)
16 for a temporary medical marijuana transporter license, the annual,
17 nonrefundable fee for a medical marijuana transporter license shall
18 be Two Thousand Five Hundred Dollars (\$2,500.00).

19 2. The Minus the fee of One Thousand Dollars (\$1,000.00) for a
20 temporary medical marijuana business license, the initial fee for a
21 medical marijuana commercial grower license shall be calculated
22 based upon the total amount of square feet of canopy or acres the
23 grower estimates will be harvested for the year. The annual,
24 nonrefundable license fee shall be based upon the total amount of

1 square feet of canopy harvested by the grower during the previous
2 twelve (12) months. The amount of the fees shall be determined as
3 follows after November 1, 2025:

4 a. For an indoor, greenhouse, or light deprivation
5 medical marijuana grow facility:

6 (1) Tier 1: Up to ten thousand (10,000) square feet
7 of canopy, the fee shall be Two Thousand Five
8 Hundred Dollars (\$2,500.00),

9 (2) Tier 2: Ten thousand one (10,001) square feet of
10 canopy to twenty thousand (20,000) square feet of
11 canopy, the fee shall be Five Thousand Dollars
12 (\$5,000.00),

13 (3) Tier 3: Twenty thousand one (20,001) square feet
14 of canopy to forty thousand (40,000) square feet
15 of canopy, the fee shall be Ten Thousand Dollars
16 (\$10,000.00),

17 (4) Tier 4: Forty thousand one (40,001) square feet
18 of canopy to sixty thousand (60,000) square feet
19 of canopy, the fee shall be Twenty Thousand
20 Dollars (\$20,000.00),

21 (5) Tier 5: Sixty thousand one (60,001) square feet
22 of canopy to eighty thousand (80,000) square feet
23 of canopy, the fee shall be Thirty Thousand
24 Dollars (\$30,000.00),

1 (6) Tier 6: Eighty thousand one (80,001) square feet
2 of canopy to ninety-nine thousand nine hundred
3 ninety-nine (99,999) square feet of canopy, the
4 fee shall be Forty Thousand Dollars (\$40,000.00),
5 and

6 (7) Tier 7: One hundred thousand (100,000) square
7 feet of canopy and beyond, the fee shall be Fifty
8 Thousand Dollars (\$50,000.00), plus an additional
9 twenty-five cents (\$0.25) per square foot of
10 canopy over one hundred thousand (100,000) square
11 feet.

12 b. For an outdoor medical marijuana grow facility:

13 (1) Tier 1: Up to two and one-half (2 1/2) acres,
14 the fee shall be Two Thousand Five Hundred
15 Dollars (\$2,500.00),

16 (2) Tier 2: Two and one-half (2 1/2) acres up to
17 five (5) acres, the fee shall be Five Thousand
18 Dollars (\$5,000.00),

19 (3) Tier 3: Five (5) acres up to ten (10) acres, the
20 fee shall be Ten Thousand Dollars (\$10,000.00),

21 (4) Tier 4: Ten (10) acres up to twenty (20) acres,
22 the fee shall be Twenty Thousand Dollars
23 (\$20,000.00),
24

1 (5) Tier 5: Twenty (20) acres up to thirty (30)
2 acres, the fee shall be Thirty Thousand Dollars
3 (\$30,000.00),

4 (6) Tier 6: Thirty (30) acres up to forty (40)
5 acres, the fee shall be Forty Thousand Dollars
6 (\$40,000.00),

7 (7) Tier 7: Forty (40) acres up to fifty (50) acres,
8 the fee shall be Fifty Thousand Dollars
9 (\$50,000.00), and

10 (8) Tier 8: If the amount of acreage exceeds fifty
11 (50) acres, the fee shall be Fifty Thousand
12 Dollars (\$50,000.00) plus an additional Two
13 Hundred Fifty Dollars (\$250.00) per acre in
14 excess of fifty (50) acres.

15 c. For a medical marijuana commercial grower that has a
16 combination of both indoor and outdoor growing
17 facilities at one location, the medical marijuana
18 commercial grower shall be required to obtain a
19 separate license from the Authority for each type of
20 grow operation and shall be subject to the licensing
21 fees provided for in subparagraphs a and b of this
22 paragraph.

23 d. As used in this paragraph:
24

1 (1) "canopy" means the total surface area within a
2 cultivation area that is dedicated to the
3 cultivation of flowering marijuana plants. The
4 surface area of the plant canopy must be
5 calculated in square feet and measured and must
6 include all of the area within the boundaries
7 where the cultivation of the flowering marijuana
8 plants occurs. If the surface of the plant
9 canopy consists of noncontiguous areas, each
10 component area must be separated by identifiable
11 boundaries. If a tiered or shelving system is
12 used in the cultivation area, the surface area of
13 each tier or shelf must be included in
14 calculating the area of the plant canopy.
15 Calculation of the area of the plant canopy may
16 not include the areas within the cultivation area
17 that are used to cultivate immature marijuana
18 plants and seedlings, prior to flowering, and
19 that are not used at any time to cultivate mature
20 marijuana plants. If the flowering plants are
21 vertically grown in cylinders, the square footage
22 of the canopy shall be measured by the
23 circumference of the cylinder multiplied by the
24 total length of the cylinder,

1 (2) "greenhouse" means a structure located outdoors
2 that is completely covered by a material that
3 allows a controlled level of light transmission,
4 and

5 (3) "light deprivation" means a structure that has
6 concrete floors and the ability to manipulate
7 natural light.

8 3. ~~The~~ In addition to the nonrefundable application fee for a
9 temporary medical marijuana business license, the annual,
10 nonrefundable license fee for a medical marijuana processor license
11 shall be determined as follows after November 1, 2025:

12 a. Tier 1: Zero (0) to ten thousand (10,000) pounds of
13 biomass or production or use of up to one hundred
14 (100) liters of cannabis concentrate, the annual fee
15 shall be Two Thousand Five Hundred Dollars
16 (\$2,500.00),

17 b. Tier 2: Ten thousand one (10,001) pounds to fifty
18 thousand (50,000) pounds of biomass or production or
19 use from one hundred one (101) to three hundred fifty
20 (350) liters of cannabis concentrate, the annual fee
21 shall be Five Thousand Dollars (\$5,000.00),

22 c. Tier 3: Fifty thousand one (50,001) pounds to one
23 hundred fifty thousand (150,000) pounds of biomass or
24 production or use from three hundred fifty-one (351)

1 to six hundred fifty (650) liters of cannabis
2 concentrate, the annual fee shall be Ten Thousand
3 Dollars (\$10,000.00),

4 d. Tier 4: One hundred fifty thousand one (150,001)
5 pounds to three hundred thousand (300,000) pounds of
6 biomass or production or use from six hundred fifty-
7 one (651) to one thousand (1,000) liters of cannabis
8 concentrate, the annual fee shall be Fifteen Thousand
9 Dollars (\$15,000.00), and

10 e. Tier 5: More than three hundred thousand one
11 (300,001) pounds of biomass or production or use in
12 excess of one thousand one (1,001) liters of cannabis
13 concentrate, the annual fee shall be Twenty Thousand
14 Dollars (\$20,000.00).

15 For purposes of this paragraph only, if the cannabis concentrate
16 is in nonliquid form, every one thousand (1,000) grams of
17 concentrated marijuana shall be calculated as one (1) liter of
18 cannabis concentrate.

19 4. The Minus the fee of One Thousand Dollars (\$1,000.00) for a
20 temporary medical marijuana business license, the initial fee for a
21 medical marijuana dispensary license shall be Two Thousand Five
22 Hundred Dollars (\$2,500.00). ~~The~~ After November 1, 2025, the
23 annual, nonrefundable license fee for a medical marijuana dispensary
24 license shall be calculated at ten percent (10%) of the sum of

1 twelve (12) calendar months of the combined annual state sales tax
2 and state excise tax of the dispensary. The minimum fee shall be
3 not less than Two Thousand Five Hundred Dollars (\$2,500.00) and the
4 maximum fee shall not exceed Ten Thousand Dollars (\$10,000.00).

5 5. ~~The~~ Minus the fee of One Thousand Dollars (\$1,000.00) for a
6 temporary medical marijuana business license, the annual,
7 nonrefundable license fee for a medical marijuana testing laboratory
8 shall be Twenty Thousand Dollars (\$20,000.00) after November 1,
9 2025.

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

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

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

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

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

23

24

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

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

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

9 a. twenty-five (25) years of age or older,

10 b. if applying as an individual, proof that the applicant
11 is an Oklahoma resident pursuant to paragraph 11 of
12 this subsection,

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

18 d. if applying as an individual or entity, proof that the
19 individual or entity is registered to conduct business
20 in the State of Oklahoma,

21 e. disclosure of all ownership interests pursuant to the
22 Oklahoma Medical Marijuana and Patient Protection Act,
23 and
24

1 f. proof that the medical marijuana business, medical
2 marijuana research facility, medical marijuana
3 education facility and medical marijuana waste
4 disposal facility applicant or licensee has not been
5 convicted of a nonviolent felony in the last two (2)
6 years, or any other felony conviction within the last
7 five (5) years, is not a current inmate in the custody
8 of the Department of Corrections, or currently
9 incarcerated in a jail or corrections facility, and
10 g. proof that the applicant has possessory right to the
11 real estate where the business will operate by
12 submission of a copy of an executed deed of conveyance
13 or a signed lease for the property;

14 8. There shall be no limit to the number of medical marijuana
15 business licenses or categories that an individual or entity can
16 apply for or receive, although each application and each category
17 shall require a separate application and application fee. A
18 commercial grower, processor and dispensary, or any combination
19 thereof, are authorized to share the same address or physical
20 location, subject to the further restrictions set forth in the
21 Oklahoma Medical Marijuana and Patient Protection Act; provided,
22 that no address or physical location shall be permitted to have
23 multiple licenses of the same type, except a commercial grower with
24 a combination of indoor or outdoor growing facilities at one

1 location pursuant to the licensing requirements of this section or a
2 licensed medical marijuana processor after the effective date of
3 this act;

4 9. All applicants for a medical marijuana business license,
5 research facility license or education facility license authorized
6 by the Oklahoma Medical Marijuana and Patient Protection Act, or for
7 a renewal of such license, shall undergo an Oklahoma criminal
8 history background check conducted by the Oklahoma State Bureau of
9 Investigation (OSBI) within thirty (30) days prior to the
10 application for the license, including:

- 11 a. individual applicants applying on their own behalf,
- 12 b. individuals applying on behalf of an entity,
- 13 c. all principal officers of an entity, and
- 14 d. all owners of an entity as defined by the Oklahoma
15 Medical Marijuana and Patient Protection Act;

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

19 11. In order to be considered an Oklahoma resident for purposes
20 of a medical marijuana business license application, all applicants
21 shall provide proof of Oklahoma residency for at least two (2) years
22 immediately preceding the date of application or five (5) years of
23 continuous Oklahoma residency during the preceding twenty-five (25)
24 years immediately preceding the date of application. Sufficient

1 documentation of proof of residency shall include a combination of
2 the following:

- 3 a. an unexpired Oklahoma-issued driver license,
- 4 b. an Oklahoma identification card,
- 5 c. a utility bill preceding the date of application,
6 excluding cellular telephone and Internet bills,
- 7 d. a residential property deed to property in the State
8 of Oklahoma, and
- 9 e. a rental agreement preceding the date of application
10 for residential property located in the State of
11 Oklahoma.

12 Applicants that were issued a medical marijuana business license
13 prior to August 30, 2019, are hereby exempt from the two-year or
14 five-year Oklahoma residence requirement mentioned above;

15 12. All license applicants shall be required to submit a
16 registration with the Oklahoma State Bureau of Narcotics and
17 Dangerous Drugs Control as provided in Sections 2-302 through 2-304
18 of this title;

19 13. All applicants shall establish their identity through
20 submission of a color copy or digital image of one of the following
21 unexpired documents:

- 22 a. front of an Oklahoma driver license,
- 23 b. front of an Oklahoma identification card,

24

- 1 c. a United States passport or other photo identification
2 issued by the United States government, or
3 d. a tribal identification card approved for
4 identification purposes by the Oklahoma Department of
5 Public Safety; and

6 14. All applicants shall submit an applicant photograph.

7 ~~F.~~ G. The Authority shall review the temporary medical
8 marijuana business license application; approve, reject or deny the
9 application; and mail the approval, rejection, denial or status-
10 update letter to the applicant within ninety (90) business days of
11 receipt of the application.

12 ~~G.~~ H. 1. The Authority shall review the temporary medical
13 marijuana business license applications and conduct all
14 investigations, inspections and interviews before approving the
15 application for an annual medical marijuana business license for the
16 specific category applied under. The annual medical marijuana
17 business license shall not be issued until the Authority determines
18 that all necessary inspections and reviews, including, but not
19 limited to, plan reviews, safety inspections, or compliance
20 inspections, have been completed.

21 2. Approved applicants shall be issued a an annual medical
22 marijuana business license for the specific category applied under,
23 which shall act as proof of their approved status. Rejection and
24 denial letters shall provide a reason for the rejection or denial.

1 Applications for an annual medical marijuana business license may
2 only be rejected or denied based on the applicant not meeting the
3 standards set forth in the provisions of subsection D of this
4 section for a temporary medical marijuana business license, the
5 provisions of the Oklahoma Medical Marijuana and Patient Protection
6 Act and Sections 420 through 426.1 of this title, improper
7 completion of the application, or for a reason provided for in the
8 Oklahoma Medical Marijuana and Patient Protection Act and Sections
9 420 through 426.1 of this title. If an application for an annual
10 medical marijuana business license is rejected for failure to
11 provide required information, the applicant shall ~~have thirty (30)~~
12 ~~days~~ be granted an extension of time as provided for in paragraph 4
13 of subsection D of this section to submit the required information
14 for reconsideration. ~~No additional application fee and~~ shall be
15 ~~charged for such reconsideration~~ assessed a nonrefundable fee of One
16 Thousand Dollars (\$1,000.00) for every ninety-day extension
17 requested by the applicant and subsequently granted by the
18 Authority. Unless the Authority determines otherwise, an
19 application that has been resubmitted but is still incomplete or
20 contains errors that are not clerical or typographical in nature
21 shall be denied.

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

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

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

6 5. Medical marijuana businesses issued a medical marijuana
7 business license prior to the effective date of this act shall be
8 required to submit business-formation documents, financial
9 information, and insurance information pertaining to the operations
10 of the medical marijuana business, as prescribed in subparagraphs a,
11 b, c, d, e, f, and i of paragraph 6 of subsection D of this section,
12 to the Authority prior to renewal of the medical marijuana business
13 license. The medical marijuana business licensee shall submit the
14 required documentation not less than sixty (60) days prior to the
15 date of renewal of the medical marijuana business license. The
16 Authority shall have thirty (30) days to review the submitted
17 documentation and an additional thirty (30) days immediately
18 thereafter for the purposes of resolving any inconsistencies,
19 discrepancies, or disputed issues found within the submitted
20 documentation. If the medical marijuana business licensee fails to
21 submit the required documentation sixty (60) days prior to the date
22 of renewal, the license of the medical marijuana business shall be
23 suspended until such time as the documentation is submitted to the
24 Authority.

1 6. Medical marijuana businesses that have been issued a
2 temporary and annual medical marijuana business license pursuant to
3 the provisions of subsection D of this section shall be required to
4 annually submit updated business-formation documents, financial
5 information, and insurance information pertaining to the operations
6 of the medical marijuana business, as prescribed in subparagraphs a,
7 b, c, d, e, f, and i of paragraph 6 of subsection D of this section,
8 to the Authority when seeking renewal of the medical marijuana
9 business license.

10 ~~H.~~ I. A license for a medical marijuana business, medical
11 marijuana research facility, medical marijuana education facility or
12 medical marijuana waste disposal facility shall not be issued to or
13 held by:

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

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

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

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

24

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

4 a. file taxes, interest or penalties due related to a
5 medical marijuana business, or

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

8 6. A sheriff, deputy sheriff, police officer or prosecuting
9 officer, or an officer or employee of the Authority or municipality;

10 7. A person whose authority to be a caregiver, as defined in
11 Section 427.2 of this title, has been revoked by the Authority; or

12 8. A person who was involved in the management or operations of
13 any medical marijuana business, medical marijuana research facility,
14 medical marijuana education facility or medical marijuana waste
15 disposal facility that, after the initiation of a disciplinary
16 action, has had a medical marijuana license revoked, not renewed, or
17 surrendered during the five (5) years preceding submission of the
18 application and for the following violations:

19 a. unlawful sales or purchases,

20 b. any fraudulent acts, falsification of records or
21 misrepresentation to the Authority, medical marijuana
22 patient licensees, caregiver licensees or medical
23 marijuana business licensees,

24 c. any grossly inaccurate or fraudulent reporting,

- d. threatening or harming any medical marijuana patient, caregiver, medical practitioner or employee of the Authority,
- e. knowingly or intentionally refusing to permit the Authority access to premises or records,
- f. using a prohibited, hazardous substance for processing in a residential area,
- g. criminal acts relating to the operation of a medical marijuana business, or
- h. any violations that endanger public health and safety or product safety.

~~I.~~ J. In investigating the qualifications of an applicant or a licensee, the Authority and municipalities may have access to criminal history record information furnished by a criminal justice agency subject to any restrictions imposed by such an agency.

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

~~K.~~ L. All applicants and licensees shall submit information to the Authority in a full, faithful, truthful and fair manner. The Authority may recommend denial of an application where the applicant or licensee made misstatements, omissions, misrepresentations or untruths in the application or in connection with the background investigation of the applicant. This type of conduct may be grounds

1 for administrative action against the applicant or licensee. Typos
2 and scrivener errors shall not be grounds for denial.

3 ~~H.~~ M. A licensed medical marijuana business premises shall be
4 subject to and responsible for compliance with applicable provisions
5 consistent with the zoning where such business is located as
6 described in the most recent versions of the Oklahoma Uniform
7 Building Code, the International Building Code and the International
8 Fire Code, unless granted an exemption by a municipality or
9 appropriate code enforcement entity.

10 ~~M.~~ N. All medical marijuana business, medical marijuana
11 research facility, medical marijuana education facility and medical
12 marijuana waste disposal facility licensees shall pay the relevant
13 licensure fees prior to receiving licensure to operate.

14 ~~N.~~ O. A medical marijuana business, medical marijuana research
15 facility, medical marijuana education facility or medical marijuana
16 waste disposal facility that attempts to renew its license after the
17 expiration date of the license shall pay a late renewal fee in an
18 amount to be determined by the Authority to reinstate the license.
19 Late renewal fees are nonrefundable. A license that has been
20 expired for more than ninety (90) days shall not be renewed.

21 ~~O.~~ P. No medical marijuana business, medical marijuana research
22 facility, medical marijuana education facility or medical marijuana
23 waste disposal facility shall possess, sell or transfer medical
24

1 marijuana or medical marijuana products without a valid, unexpired
2 license issued by the Authority.

3 ~~P. No more than one medical marijuana commercial grower license~~
4 ~~shall be issued for any one property.~~

5 Q. Any medical marijuana business license holder pursuant to
6 this section shall provide the Authority insurance verifications for
7 all individuals licensed to transport medical marijuana or medical
8 marijuana product. The Authority may determine the contents
9 required from the insurance verification, which may include, but not
10 be limited to, type of coverage, amount of coverage, or vehicles
11 insured under coverage.

12 SECTION 10. AMENDATORY Section 3, Chapter 328, O.S.L.
13 2022 (63 O.S. Supp. 2022, Section 427.14b), is amended to read as
14 follows:

15 Section 427.14b. A. 1. Beginning January 1, 2024, the
16 Oklahoma Medical Marijuana Authority shall require employees of a
17 medical marijuana business licensee to apply for and receive a
18 credential authorizing the employee to work in a licensed medical
19 marijuana business.

20 2. Beginning January 1, 2025, to be eligible for such
21 credential, employees of medical marijuana dispensaries shall comply
22 with the education and continuing education requirements described
23 in subsection G of this section and shall meet all other
24

1 requirements established by law or rule for employees of a medical
2 marijuana business licensee.

3 B. The Authority may contract with one or more third-party
4 vendors to provide the credentialing services necessary to carry out
5 the provisions of this section.

6 C. The Authority shall determine the services to be provided by
7 such third-party vendor and shall establish costs and prices. If
8 contracted for credentialing services, a third-party vendor shall on
9 behalf of the Authority conduct the background checks and verify
10 eligibility and suitability for any employees of a medical marijuana
11 business license holder to obtain a credential.

12 D. Upon successful completion by the third-party vendor of the
13 statutorily required background checks and verification of
14 eligibility and suitability for an employee, the third-party vendor
15 shall issue a credential to the employee. The results of background
16 checks and verifications shall be provided to the Authority by the
17 third-party vendor.

18 E. If the third-party vendor determines that an employee of a
19 medical marijuana business holder does not meet the minimum
20 statutory requirements for a credential, the applicant or employee
21 shall have no recourse against the third-party vendor but may appeal
22 such adverse determination to the Authority.

23 F. The third-party vendor shall not be civilly liable to an
24 applicant, licensee, or employee of a licensee for any acts taken in

1 good-faith compliance with the provisions of Section 420 et seq. of
2 ~~Title 63 of the Oklahoma Statutes~~ this title and the Oklahoma
3 Medical Marijuana and Patient Protection Act and the rules
4 promulgated by the Oklahoma Medical Marijuana Authority.

5 G. The Executive Director of the Authority may promulgate rules
6 to implement the provisions of this section. Such rules shall
7 include, but not be limited to, education and continuing education
8 requirements for employees of medical marijuana dispensaries.

9 SECTION 11. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 427.14c of Title 63, unless
11 there is created a duplication in numbering, reads as follows:

12 A. After the effective date of this act, no medical marijuana
13 business license ownership shall be transferred without written
14 approval of an application to transfer ownership by the Oklahoma
15 Medical Marijuana Authority.

16 B. For purposes of this act, the "application to transfer"
17 shall include all information disclosing the ownership and other
18 documentary requirements required of a new business license
19 application to be submitted on behalf of the new owners of the
20 license including, but not limited to, a detailed inventory of all
21 seeds, plant tissue, clones, plants, usable marijuana or trim,
22 leaves and other plant matter, batches of extract, and marijuana
23 concentrates that are to be transferred. Any attempt to transfer
24 the medical marijuana business license, the ownership of the

1 business license, or substantially all of the listed medical
2 marijuana, medical marijuana concentrate, or medical marijuana
3 products of a medical marijuana business outside of the normal
4 course of business without approval from the Authority shall be
5 grounds for revocation or nonrenewal of the license and denial,
6 revocation, or nonrenewal of current or future licenses or license
7 applications with ownership held by any such person involved in the
8 unlawful ownership transfer.

9 C. The nonrefundable application fee for the application to
10 transfer shall be Five Hundred Dollars (\$500.00).

11 D. The Authority shall promulgate rules regarding the approval
12 and denial of transfers of licenses. Transfers shall not be allowed
13 for any licensee who is under investigation by the Authority or any
14 other law enforcement agency. No business license shall be
15 transferred more than once in a calendar year.

16 SECTION 12. AMENDATORY 63 O.S. 2021, Section 427.16, as
17 last amended by Section 7 of Enrolled House Bill No. 2095 of the 1st
18 Session of the 59th Oklahoma Legislature (63 O.S. Supp. 2022,
19 Section 427.16), is amended to read as follows:

20 Section 427.16. A. There is hereby created a medical marijuana
21 transporter license as a category of the medical marijuana business
22 license.

23 B. Pursuant to Section 424 of this title, the Oklahoma Medical
24 Marijuana Authority shall issue a temporary and an annual medical

1 marijuana transporter license to licensed medical marijuana
2 commercial growers, licensed medical marijuana processors, and
3 licensed medical marijuana dispensaries upon issuance of such
4 licenses and upon each renewal. Medical marijuana transporter
5 licenses shall also be issued to licensed medical marijuana research
6 facilities, licensed medical marijuana education facilities and
7 licensed medical marijuana testing laboratories upon issuance of
8 such licenses and upon each renewal.

9 C. A temporary or annual medical marijuana transporter license
10 may also be issued to qualifying applicants who are registered with
11 the Secretary of State and otherwise meet the requirements for a
12 medical marijuana business license set forth in Section 427.14 of
13 this title, the Oklahoma Medical Marijuana and Patient Protection
14 Act, and the requirements set forth in this section to provide
15 logistics, distribution and storage of medical marijuana, medical
16 marijuana concentrate and medical marijuana products.

17 D. A medical marijuana transporter license shall be valid for
18 one (1) year and shall not be transferred with a change of
19 ownership. A licensed medical marijuana transporter shall be
20 responsible for all medical marijuana, medical marijuana concentrate
21 and medical marijuana products once the transporter takes control of
22 the product.

23 E. A transporter license shall be required for any person or
24 entity to transport or transfer medical marijuana, medical marijuana

1 concentrate or medical marijuana products from a licensed medical
2 marijuana business to another medical marijuana business, or from a
3 medical marijuana business to a medical marijuana research facility
4 or medical marijuana education facility.

5 F. A medical marijuana transporter licensee may contract with
6 multiple licensed medical marijuana businesses.

7 G. A medical marijuana transporter may maintain a licensed
8 premises to temporarily store medical marijuana, medical marijuana
9 concentrate and medical marijuana products and to use as a
10 centralized distribution point. A medical marijuana transporter may
11 store and distribute medical marijuana, medical marijuana
12 concentrate and medical marijuana products from the licensed
13 premises. The licensed premises shall meet all security
14 requirements applicable to a medical marijuana business.

15 H. A medical marijuana transporter licensee shall use the seed-
16 to-sale tracking system developed pursuant to the Oklahoma Medical
17 Marijuana and Patient Protection Act to create shipping manifests
18 documenting the transport of medical marijuana, medical marijuana
19 concentrate and medical marijuana products throughout the state.

20 I. A licensed medical marijuana transporter may maintain and
21 operate one or more warehouses in the state to handle medical
22 marijuana, medical marijuana concentrate and medical marijuana
23 products. Each location shall be registered and inspected by the
24 Authority prior to its use.

1 J. With the exception of a lawful transfer between medical
2 marijuana businesses who are licensed to operate at the same
3 physical address, all medical marijuana, medical marijuana
4 concentrate and medical marijuana products shall be transported:

5 1. In vehicles equipped with Global Positioning System (GPS)
6 trackers;

7 2. In a locked container and clearly labeled "Medical Marijuana
8 or Derivative"; and

9 3. In a secured area of the vehicle that is not accessible by
10 the driver during transit.

11 K. A transporter agent may possess marijuana at any location
12 while the transporter agent is transferring marijuana to or from a
13 licensed medical marijuana business, licensed medical marijuana
14 research facility or licensed medical marijuana education facility.
15 The Authority shall administer the provisions of this section and
16 the Authority, the Oklahoma State Bureau of Narcotics and Dangerous
17 Drugs Control, the Oklahoma State Bureau of Investigation, and the
18 Attorney General shall have the authority to enforce the provisions
19 of this section concerning transportation.

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

1 M. The annual fee for a transporter agent license shall be
2 Twenty-five Dollars (\$25.00) and shall be paid by the transporter
3 license holder or the individual applicant. Transporter license
4 reprints shall be Twenty Dollars (\$20.00).

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

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

16 O. If the transporter agent application is denied, the
17 Authority shall notify the transporter in writing of the reason for
18 denying the registry identification card.

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

23 Q. The Authority may revoke the registry identification card of
24 a transporter agent who knowingly violates any provision of this

1 section, and the transporter is subject to any other penalties
2 established by law for the violation.

3 R. The Authority may revoke or suspend the transporter license
4 of a transporter that the Authority determines knowingly aided or
5 facilitated a violation of any provision of this section, and the
6 license holder is subject to any other penalties established in law
7 for the violation.

8 S. ~~Vehicles used in the transport of~~ Any vehicle used in the
9 duties of a licensed medical marijuana business transporting medical
10 marijuana or medical marijuana product shall be:

11 1. Insured at or above the legal requirements in this state in
12 accordance with subsection Q of Section 427.14 of this title;

13 2. Capable of securing medical marijuana during transport; and

14 3. In possession of a shipping container as defined in Section
15 427.2 of this title capable of securing all transported products.

16 T. Prior to the transport of any medical marijuana, medical
17 marijuana concentrate or medical marijuana products, an inventory
18 manifest shall be prepared at the origination point of the medical
19 marijuana. The inventory manifest shall include the following
20 information:

21 1. For the origination point of the medical marijuana:

22 a. the licensee number for the commercial grower,
23 processor or dispensary,

24 b. address of origination of transport, and

1 c. name and contact information for the originating
2 licensee;

3 2. For the end recipient license holder of the medical
4 marijuana:

5 a. the license number for the dispensary, commercial
6 grower, processor, research facility or education
7 facility destination,

8 b. address of the destination, and

9 c. name and contact information for the destination
10 licensee;

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

13 4. The date of the transport and the approximate time of
14 departure;

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

16 6. Printed names and signatures of the personnel accompanying
17 the transport; and

18 7. Notation of the transporting licensee.

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

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

1 3. A receiving licensee shall refuse to accept any medical
2 marijuana, medical marijuana concentrate or medical marijuana
3 products that are not accompanied by an inventory manifest.

4 4. Originating and receiving licensees shall maintain copies of
5 inventory manifests and logs of quantities of medical marijuana
6 received for seven (7) years from date of receipt.

7 V. Upon written approval by the Authority, a medical marijuana
8 business license holder may be exempt from the provisions of this
9 section for the purpose of transporting medical marijuana waste
10 between licensed facilities; provided, the facilities are licensed
11 under the same license holder. The Authority may, at any time,
12 revoke this provision if the medical marijuana business license
13 holder violates any provisions of Section 420 et seq. of this title.

14 SECTION 13. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 427.18a of Title 63, unless
16 there is created a duplication in numbering, reads as follows:

17 A. The Executive Director of the Oklahoma Medical Marijuana
18 Authority shall promulgate rules to limit the tetrahydrocannabinol
19 (THC) serving size of edible medical marijuana products sold in
20 medical marijuana dispensaries. The serving sizes imposed by such
21 rules shall be at the discretion of the Executive Director;
22 provided, that the limits do not exceed One thousand milligrams
23 (1,000 mg) delta-9 tetrahydrocannabinol per package for edible
24 medical marijuana products.

1 B. A licensed medical marijuana dispensary shall not sell any
2 edible medical marijuana product that exceeds the THC per package
3 limits imposed in this section.

4 C. For medical marijuana patients under eighteen (18) years of
5 age, the Executive Director may impose further limits on THC per
6 serving in edible medical marijuana products. No dispensaries shall
7 be allowed to sell any medical marijuana product for the use of
8 vaping to any medical marijuana patient under eighteen (18) years of
9 age.

10 D. The Executive Director shall establish rules that require
11 dispensaries to provide educational efforts to patients regarding
12 potency, dosing, and pharmacological impacts pertaining to usage and
13 consumption of medical marijuana and medical marijuana products.

14 E. The Executive Director shall promulgate the rules for the
15 use and limits of any other tetrahydrocannabinol isomer or analogue
16 that occurs naturally in cannabis for edible medical marijuana
17 products not defined herein or in Section 427.2 of Title 63 of the
18 Oklahoma Statutes.

19 SECTION 14. AMENDATORY 63 O.S. 2021, Section 427.21, as
20 amended by Section 2, Chapter 329, O.S.L. 2022 (63 O.S. Supp. 2022,
21 Section 427.21), is amended to read as follows:

22 Section 427.21. A. A medical marijuana business shall not
23 engage in advertising that is deceptive, false or misleading.

24

1 B. Medical marijuana advertising shall not contain any
2 statement or illustration that:

3 1. Promotes overconsumption;

4 2. Represents that the use of marijuana has curative or
5 therapeutic effects; or

6 3. Depicts a child or other person under legal age ~~to consume~~
7 consuming marijuana, or includes:

8 a. objects such as toys or cartoon or other characters,
9 which suggest the presence of a child, or any other
10 depiction designed in any manner to be especially
11 appealing to children or other persons under legal age
12 to consume marijuana, or

13 b. any manner or design that would be especially
14 appealing to children or other persons under eighteen
15 (18) years of age.

16 C. ~~Upon the effective date of this act~~ Beginning on November 1,
17 2022, all medical marijuana commercial grower licensees shall be
18 required to post signage at the site of the commercial grow
19 operation. Signage shall be located at the perimeter of the
20 property with dimensions measuring no less than eighteen (18) inches
21 by twenty-four (24) inches with a font size of no less than two (2)
22 inches. Information required to be displayed on the sign shall be
23 in black standardized font on a white background. The Oklahoma
24 Medical Marijuana Authority shall promulgate rules as necessary

1 regarding the size, placement, issuance and specifications of the
2 required signage. The following information shall be included on
3 the required signage:

- 4 1. Business name;
- 5 2. Physical address of the licensed business;
- 6 3. Phone number of the licensed business; and
- 7 4. Medical marijuana business license number.

8 The required signage shall also comply with county regulations
9 and local ordinances related to the real property where the
10 commercial grow operation is located. Failure to erect the proper
11 signage within sixty (60) days after the renewal of each application
12 for a medical marijuana commercial grower license in accordance with
13 the provisions of this subsection shall result in the immediate
14 revocation of the medical marijuana commercial grower license. Upon
15 issuance of a temporary license, all medical marijuana commercial
16 grower licensees shall be required to comply with the provisions of
17 this subsection prior to the prelicensure inspection conducted by
18 the Authority.

19 D. It shall be unlawful to host or advertise medical marijuana-
20 related events encouraging public consumption or use of medical
21 marijuana by non-licensed participants.

22 E. The Authority shall promulgate rules to:

- 23 1. Issue or deny permits for events for medical marijuana-
24 related events located off-site of any medical marijuana licensed

1 business and not hosted by the Authority, which shall include, but
2 not be limited to, age restrictions for those attending;

3 2. Issue or deny permits for dispensaries hosting onsite events
4 related to the education of patients. Onsite consumption of
5 products shall not be permitted; and

6 3. Allow licensed medical marijuana businesses to sell products
7 at permitted events to licensed businesses or licensed patients. A
8 licensed dispensary shall not require a permit for onsite events at
9 the licensed location if samples are not being dispensed.

10 SECTION 15. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 431.1 of Title 63, unless there
12 is created a duplication in numbering, reads as follows:

13 A. Upon the effective date of this act, all medical marijuana
14 flower, trim, shake, kief, medical marijuana product, or other
15 flower-based product not defined as a concentrate, shall be sold by
16 licensed medical marijuana processors and licensed medical marijuana
17 commercial growers to licensed medical marijuana dispensaries only
18 in pre-packaged form in package sizes weighing not less than one-
19 half (1/2) of one (1) gram to not more than three (3) ounces.

20 B. Nonopaque materials may be used when packaging medical
21 marijuana flower provided all other packaging and labeling
22 requirements for medical marijuana products sold in this state are
23 met and it is placed in an opaque container before leaving a
24 licensed medical marijuana dispensary.

1 C. The display and smelling of medical marijuana shall be
2 allowed pursuant to Section 421 of Title 63 of the Oklahoma
3 Statutes.

4 D. The Oklahoma Medical Marijuana Authority shall promulgate
5 rules necessary to allow for pre-packaged products to be returned to
6 the licensed medical marijuana dispensary when found defective or
7 hazardous to the health of the patient. The Authority shall further
8 promulgate rules necessary to allow for the return of medical
9 marijuana products from a licensed medical marijuana dispensary to a
10 licensed medical marijuana processor or licensed medical marijuana
11 commercial grower, from a licensed medical marijuana processor to a
12 licensed medical marijuana commercial grower, or from any other
13 licensed entity that transferred medical marijuana products to
14 another licensed entity.

15 SECTION 16. AMENDATORY Section 2 of Enrolled Senate Bill
16 No. 913 of the 1st Session of the 59th Oklahoma Legislature, is
17 amended to read as follows:

18 Section 427.26. A. It shall be unlawful for any holder of a
19 medical marijuana business license pursuant to Section 427.14 of
20 ~~Title 63 of the Oklahoma Statutes~~ this title to engage in any
21 commercial growing operations in this state without acquiring a
22 bond. The bond shall cover that area of land within the permit area
23 upon which the business licensee will initiate and conduct
24 commercial growing operations.

1 B. Every applicant for a commercial grower license or
2 commercial grower licensee shall file with the Oklahoma Medical
3 Marijuana Authority a bond satisfactory to the Authority and in the
4 amount no less than Fifty Thousand Dollars (\$50,000.00) for each
5 license sought or held, with a surety company qualified to do
6 business in this state as a surety. The bond shall be furnished to
7 the state for the use of the state pursuant to the provisions of
8 this act. The bond shall be conditional that the obligor will
9 comply with the provisions of this act including, but not limited
10 to, building codes, administrative rules, and other relevant laws,
11 and all rules and regulations made pursuant to this act and will pay
12 all amounts of money that may be due to the state during the time
13 such bond is in effect.

14 C. The Authority or the Department of Environmental Quality may
15 require a higher amount depending upon the reclamation requirements
16 of the approved application. The amount shall reflect the probable
17 difficulty of reclamation with consideration for such factors
18 including, but not limited to, topography, hydrology, and
19 revegetation potential. The amount of the bond for a commercial
20 growing operation shall be sufficient to assure the completion of
21 the reclamation plan if the work has to be performed by the
22 Authority or the Department of Environmental Quality in the event of
23 revocation of license.

24

1 D. An appropriate agency may recall the bond if the property
2 has been abandoned, the Authority revokes the commercial growing
3 operation's license, or in response to receiving notice of a
4 violation of any law, regulation, policy, or ordinance necessitating
5 remedial action. The bond shall be used to defray the cost of
6 restoration of the property including, but not limited to, removing
7 equipment, destruction of waste, remediation of environmental
8 hazards, prohibiting public access, addressing improperly coded
9 buildings, or determination of the final disposition of any seized
10 property.

11 E. A holder of a medical marijuana business license pursuant to
12 Section 427.14 of ~~Title 63 of the Oklahoma Statutes~~ this title
13 engaging in a commercial growing operation may operate without
14 obtaining a bond upon verification by the Authority that the
15 permitted land on which the licensee operates the commercial growing
16 operation has been owned by the licensee for at least a five-year
17 period prior to submission of application.

18 F. The Authority shall promulgate the rules necessary to allow
19 for a medical marijuana business licensee to engage in a commercial
20 growing operation to fulfill the provisions of this section.

21 SECTION 17. Sections 1, 2, 3, 9, and 16 of this act shall
22 become effective June 1, 2023.

23 SECTION 18. Sections 4, 5, 6, 7, 8, 10, 11, 12, 14, and 15 of
24 this act shall become effective November 1, 2023.

1 SECTION 19. Section 13 of this act shall become effective
2 January 1, 2025.

3 SECTION 20. It being immediately necessary for the preservation
4 of the public peace, health or safety, an emergency is hereby
5 declared to exist, by reason whereof this act shall take effect and
6 be in full force from and after its passage and approval.

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