

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL NO. 882

By: Weaver of the Senate

and

Fetgatter of the House

6  
7  
8  
9 COMMITTEE SUBSTITUTE

10 An Act relating to medical marijuana; creating the  
11 Oklahoma Medical Marijuana Waste Management Act;  
12 defining terms; exempting provisions of the act from  
13 the Uniform Controlled Dangerous Substances Act;  
14 affirming jurisdiction and environmental  
15 responsibilities of the Department of Environmental  
16 Quality; authorizing commercial licensees and certain  
17 entities to destroy certain marijuana plant parts  
18 without utilizing required disposal facility; stating  
19 manner by which plant parts may be destroyed;  
20 requiring documentation of amount and manner by which  
21 marijuana waste is disposed; requiring maintenance of  
22 disposal records for certain amount of time;  
23 authorizing inspection and auditing by the Oklahoma  
24 Medical Marijuana Authority; creating medical  
marijuana waste disposal license; authorizing  
licensees to possess, transport and dispose of  
marijuana waste; providing restrictions on issuing  
licenses; allowing Oklahoma Medical Marijuana  
Authority to issue temporary licenses; providing  
limitation on number of licenses to be issued;  
authorizing Authority to assess need for additional  
licenses; establishing screening process requirements  
for entities; providing application requirements;  
providing for submission of certain documentation;  
requiring certain liability insurance or financial  
assurance; authorizing entry into facilities for  
inspections; allowing annual inspections and  
inspections when complaints are received by the

1 Authority; directing Authority to refer complaints of  
2 criminal activity to appropriate state or local law  
3 enforcement authorities; authorizing Authority to  
4 issue medical marijuana waste disposal facility  
5 permits; providing restrictions on issuing permits;  
6 allowing for the issuance of temporary permits;  
7 establishing cost for waste disposal licenses and  
8 permits; directing deposit of proceeds into certain  
9 fund; exempting medical marijuana waste disposal  
10 licensees from transporter licensing requirements;  
11 directing commercial licensees to utilize disposal  
12 services; directing State Commissioner of Health to  
13 promulgate certain rules; amending Section 2 of  
14 Enrolled House Bill No. 2612 of the 1st Session of  
15 the 57th Oklahoma Legislature; providing exception to  
16 certain definitions; providing for codification;  
17 providing effective dates; and declaring an  
18 emergency.

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

20 SECTION 1. NEW LAW A new section of law to be codified  
21 in the Oklahoma Statutes as Section 427 of Title 63, unless there is  
22 created a duplication in numbering, reads as follows:

23 This act shall be known and may be cited as the "Oklahoma  
24 Medical Marijuana Waste Management Act".

SECTION 2. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 428 of Title 63, unless there is  
created a duplication in numbering, reads as follows:

As used in this act:

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

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

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

7       4. "Facility" shall mean a location where the disposal of  
8 medical marijuana waste takes place by a licensee;

9       5. "License" shall mean a medical marijuana waste disposal  
10 license;

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

13       7. "Medical marijuana waste" shall mean unused, surplus,  
14 returned or out-of-date marijuana and plant debris of the plant of  
15 the genus Cannabis, including dead plants and all unused plant  
16 parts, except the term shall not include roots, stems, stalks and  
17 fan leaves; and

18       8. "Medical marijuana waste disposal license" shall mean a  
19 license issued by the Oklahoma Medical Marijuana Authority, or  
20 successor agency.

21       SECTION 3.       NEW LAW       A new section of law to be codified  
22 in the Oklahoma Statutes as Section 429 of Title 63, unless there is  
23 created a duplication in numbering, reads as follows:

24

1       A. Medical marijuana waste shall be subject to the provisions  
2 of this act and shall not be subject to the provisions of the  
3 Uniform Controlled Dangerous Substances Act. Nothing in this act  
4 shall alter or affect the jurisdictional areas of environmental  
5 responsibility of the Department of Environmental Quality as  
6 provided for in Title 27A of the Oklahoma Statutes.

7       B. Commercial licensees, medical marijuana research facilities  
8 and medical marijuana education facilities shall be authorized to  
9 destroy the following marijuana plant parts without being required  
10 to utilize the services of a medical marijuana waste disposal  
11 facility:

- 12       1. Root balls;
- 13       2. Stems;
- 14       3. Fan leaves; and
- 15       4. Seeds.

16       Unless restricted by local ordinance, commercial licensees,  
17 medical marijuana research facilities and medical marijuana  
18 education facilities shall be authorized to destroy the above-listed  
19 marijuana plant parts on-site by open burning, incineration,  
20 burying, mulching, composting or any other technique approved by the  
21 Department of Environmental Quality.

22       C. Commercial licensees, medical marijuana research facilities  
23 and medical marijuana education facilities engaged in the disposal  
24 of medical marijuana waste shall create and maintain documentation

1 on a form prescribed by the Oklahoma Medical Marijuana Authority  
2 that includes precise weights or counts of medical marijuana waste  
3 and the manner in which the medical marijuana waste is disposed.  
4 Such documentation shall contain a witness affidavit and signature  
5 attesting to the lawful disposal of the medical marijuana waste  
6 under penalty of perjury. All disposal records shall be maintained  
7 by commercial licensees, medical marijuana research facilities and  
8 medical marijuana educational facilities for a period of five (5)  
9 years and shall be subject to inspection and auditing by the  
10 Authority.

11 SECTION 4. NEW LAW A new section of law to be codified  
12 in the Oklahoma Statutes as Section 430 of Title 63, unless there is  
13 created a duplication in numbering, reads as follows:

14 A. There is hereby created and authorized a medical marijuana  
15 waste disposal license. A person or entity in possession of a  
16 medical marijuana waste disposal license shall be entitled to  
17 possess, transport and dispose of medical marijuana waste. No  
18 person or entity shall possess, transport or dispose of medical  
19 marijuana waste without a valid medical marijuana waste disposal  
20 license. The Oklahoma Medical Marijuana Authority shall issue  
21 licenses upon proper application by a licensee and determination by  
22 the Authority that the proposed site and facility are physically and  
23 technically suitable. Upon a finding that a proposed medical  
24 marijuana waste disposal facility is not physically or technically

1 suitable, the Authority shall deny the license. The Authority may,  
2 upon determining that public health or safety requires emergency  
3 action, issue a temporary license for treatment or storage of  
4 medical marijuana waste for a period not to exceed ninety (90) days.  
5 The Authority shall not, for the first year of the licensure  
6 program, issue more than ten licenses. Upon the conclusion of the  
7 first year, the Authority shall assess the need for additional  
8 licenses and shall, if demonstrated, increase the number of licenses  
9 as deemed necessary by the Authority.

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

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

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

16 b. full name of the organization,

17 c. trade name, if applicable,

18 d. type of business organization,

19 e. complete mailing address,

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

22 g. telephone number and email address of the entity, and  
23  
24

1           h. name, residential address and date of birth of each  
2           owner and each member, manager and board member, if  
3           applicable.

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

- 8           a. the first, middle and last name of the applicant and  
9           suffix, if applicable,
- 10          b. the residence address and mailing address of the  
11          applicant,
- 12          c. the date of birth of the applicant,
- 13          d. the preferred telephone number and email address of  
14          the applicant,
- 15          e. an attestation that the information provided by the  
16          applicant is true and correct, and
- 17          f. a statement signed by the applicant pledging not to  
18          divert marijuana to any individual or entity that is  
19          not lawfully entitled to possess marijuana.

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

- 22          a. a list of all persons or entities that have an  
23          ownership interest in the entity,

- 1           b. a certificate of good standing from the Oklahoma  
2           Secretary of State, if applicable,  
3           c. an Affidavit of Lawful Presence for each owner,  
4           d. proof that the proposed location of the disposal  
5           facility is at least one thousand (1,000) feet from a  
6           public or private school. The distance shall be  
7           measured from any entrance of the school to the  
8           nearest property line point of the facility, and  
9           e. documents establishing the applicant, the members,  
10          managers and board members, if applicable, and  
11          seventy-five percent (75%) of the ownership interests  
12          are Oklahoma residents as established in Section 420  
13          et seq. of Title 63 of the Oklahoma Statutes, as it  
14          relates to proof of residency.

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



1 assurance, of a type and in an amount acceptable to the Authority,  
2 may be substituted; provided, that such deposit shall be maintained  
3 for a period of five (5) years after the date of last operation of  
4 the facility.

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

19 E. The Authority shall issue a permit for each medical  
20 marijuana waste disposal facility operated by a licensee. A permit  
21 shall be issued only upon proper application by a licensee and  
22 determination by the Authority that the proposed site and facility  
23 are physically and technically suitable. Upon a finding that a  
24 proposed medical marijuana waste disposal facility is not physically

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

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

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

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

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

5 SECTION 5. AMENDATORY Section 2 of Enrolled House Bill  
6 No. 2612 of the 1st Session of the 57th Oklahoma Legislature, is  
7 amended to read as follows:

8 Section 2. As used in this 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 this act, rules  
20 promulgated pursuant thereto, and the forms and instructions  
21 provided by the Department, including any supporting documentation  
22 required and the applicable license application fee;

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

24

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 this act  
10 to purchase medical marijuana or medical marijuana products from a  
11 licensed medical marijuana commercial grower or medical marijuana  
12 processor, sell medical marijuana or medical marijuana products to  
13 patients and caregivers as defined under this act, or sell or  
14 transfer products to another dispensary;

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

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

22        16. "Flower" means the reproductive organs of the marijuana or  
23 cannabis plant referred to as the bud or parts of the plant that are  
24

1 harvested and used to consume in a variety of medical marijuana  
2 products;

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

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

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

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

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

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

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

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

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

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

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

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

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

19       28. "Marijuana" shall have the same meaning as such term is  
20 defined in Section 2-101 of Title 63 of the Oklahoma Statutes;

21       29. "Material change" means any change that would require a  
22 substantive revision to the standard operating procedures of a  
23 licensee for the cultivation or production of medical marijuana,  
24 medical marijuana concentrate or medical marijuana products;



1       30. "Mature plant" means a harvestable female marijuana plant  
2 that is flowering;

3       31. "Medical marijuana business (MMB)" means a licensed medical  
4 marijuana dispensary, medical marijuana processor, medical marijuana  
5 commercial grower, medical marijuana laboratory, medical marijuana  
6 business operator, or a medical marijuana transporter;

7       32. "Medical marijuana concentrate" or "concentrate" means a  
8 specific subset of medical marijuana that was produced by extracting  
9 cannabinoids from medical marijuana. Categories of medical  
10 marijuana concentrate include water-based medical marijuana  
11 concentrate, food-based medical marijuana concentrate, solvent-based  
12 medical marijuana concentrate, and heat- or pressure-based medical  
13 marijuana concentrate;

14       33. "Medical marijuana commercial grower" or "commercial  
15 grower" means an entity licensed to cultivate, prepare and package  
16 medical marijuana and transfer or contract for transfer medical  
17 marijuana to a medical marijuana dispensary, medical marijuana  
18 processor, any other medical marijuana commercial grower, medical  
19 marijuana research facility, medical marijuana education facility  
20 and pesticide manufacturers. A commercial grower may sell seeds,  
21 flower or clones to commercial growers pursuant to this act;

22       34. "Medical marijuana education facility" or "education  
23 facility" means a person or entity approved pursuant to this act to  
24 operate a facility providing training and education to individuals

1 involving the cultivation, growing, harvesting, curing, preparing,  
2 packaging or testing of medical marijuana, or the production,  
3 manufacture, extraction, processing, packaging or creation of  
4 medical-marijuana-infused products or medical marijuana products as  
5 described in this act;

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

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

17 37. "Medical marijuana processor" means a person or entity  
18 licensed pursuant to this act to operate a business including the  
19 production, manufacture, extraction, processing, packaging or  
20 creation of concentrate, medical-marijuana-infused products or  
21 medical marijuana products as described in this act;

22 38. "Medical marijuana research facility" or "research  
23 facility" means a person or entity approved pursuant to this act to  
24

1 conduct medical marijuana research. A medical marijuana research  
2 facility is not a medical marijuana business;

3 39. "Medical marijuana testing laboratory" or "laboratory"  
4 means a public or private laboratory licensed pursuant to this act,  
5 to conduct testing and research on medical marijuana and medical  
6 marijuana products;

7 40. "Medical marijuana transporter" or "transporter" means a  
8 person or entity that is licensed pursuant to this act. A medical  
9 marijuana transporter does not include a medical marijuana business  
10 that transports its own medical marijuana, medical marijuana  
11 concentrate or medical marijuana products to a property or facility  
12 adjacent to or connected to the licensed premises if the property is  
13 another licensed premises of the same medical marijuana business;

14 41. "Medical marijuana waste" or "waste" means unused, surplus,  
15 returned or out-of-date marijuana, plant debris of the plant of the  
16 genus Cannabis, including dead plants and all unused plant parts ~~and~~  
17 roots, except the term shall not include roots, stems, stalks and  
18 fan leaves;

19 42. "Medical use" means the acquisition, possession, use,  
20 delivery, transfer or transportation of medical marijuana, medical  
21 marijuana products, medical marijuana devices or paraphernalia  
22 relating to the administration of medical marijuana to treat a  
23 licensed patient;

24

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

5       44. "Oklahoma physician" or "physician" means a physician  
6 licensed by and in good standing with the State Board of Medical  
7 Licensure and Supervision or the State Board of Osteopathic  
8 Examiners;

9       45. "Oklahoma resident" means an individual who can provide  
10 proof of residency as required by this act;

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

- 14       a. all shareholders owning an interest of a corporate  
15       entity and all officers of a corporate entity,
- 16       b. all partners of a general partnership,
- 17       c. all general partners and all limited partners that own  
18       an interest in a limited partnership,
- 19       d. all members that own an interest in a limited  
20       liability company,
- 21       e. all beneficiaries that hold a beneficial interest in a  
22       trust and all trustees of a trust,
- 23       f. all persons or entities that own interest in a joint  
24       venture,

- 1           g. all persons or entities that own an interest in an  
2           association,  
3           h. the owners of any other type of legal entity, and  
4           i. any other person holding an interest or convertible  
5           note in any entity which owns, operates or manages a  
6           licensed facility;

7           47. "Package" or "packaging" means any container or wrapper  
8 that may be used by a medical marijuana business to enclose or  
9 contain medical marijuana;

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

16          49. "Pesticide" means any substance or mixture of substances  
17 intended for preventing, destroying, repelling or mitigating any  
18 pest or any substance or mixture of substances intended for use as a  
19 plant regulator, defoliant or desiccant, except that the term  
20 "pesticide" shall not include any article that is a "new animal  
21 drug" as designated by the United States Food and Drug  
22 Administration;

23          50. "Production batch" means:  
24

- 1           a.    any amount of medical marijuana concentrate of the  
2                    same category and produced using the same extraction  
3                    methods, standard operating procedures and an  
4                    identical group of harvest batch of medical marijuana,  
5                    or  
6           b.    any amount of medical marijuana product of the same  
7                    exact type, produced using the same ingredients,  
8                    standard operating procedures and the same production  
9                    batch of medical marijuana concentrate;

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

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

17        53.    "Recommendation" means a document that is signed or  
18    electronically submitted by a physician on behalf of a patient for  
19    the use of medical marijuana pursuant to this act;

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

23        55.    "Remediation" means the process by which the medical  
24    marijuana flower or trim, which has failed microbial testing, is

1 processed into solvent-based medical marijuana concentrate and  
2 retested as required by this act;

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

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

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

23 59. "Shipping container" means a hard-sided container with a  
24 lid or other enclosure that can be secured in place. A shipping

1 container is used solely for the transport of medical marijuana,  
2 medical marijuana concentrate, or medical marijuana products between  
3 medical marijuana businesses, a medical marijuana research facility,  
4 or a medical marijuana education facility;

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

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

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

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

19 64. "Test batch" means with regard to usable marijuana, a  
20 homogenous, identified quantity of usable marijuana by strain that  
21 is harvested during a seven-day period from a specified cultivation  
22 area, and with regard to oils, vapors and waxes derived from usable  
23 marijuana, means an identified quantity that is uniform, that is  
24 intended to meet specifications for identity, strength and



1 composition, and that is manufactured, packaged and labeled during a  
2 specified time period according to a single manufacturing, packaging  
3 and labeling protocol;

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

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

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

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

18 SECTION 6. Sections 1, 2, 4 and 5 of this act shall become  
19 effective November 1, 2019.

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

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