



1 1. "Alcohol" means ethyl alcohol or ethanol;

2 2. "Applicant" means a person who has applied for a position  
3 with an employer and received a conditional offer of employment or a  
4 person who seeks to supply services or labor in a safety sensitive  
5 position as defined in Section 427.8 of Title 63 of the Oklahoma  
6 Statutes to an organization;

7 3. "Board" means the State Board of Health;

8 4. "Confirmation test" means a drug or alcohol test on a sample  
9 to substantiate the results of a prior drug or alcohol test on the  
10 same sample and which uses different chemical principles and is of  
11 equal or greater accuracy than the prior drug or alcohol test.

12 Where a breathalyzer test is utilized, a confirmation test means a  
13 second sample test that confirms the prior result. Where a single-  
14 use test is utilized, a confirmation test means a second test  
15 confirmed by a testing facility. A breath or blood specimen may be  
16 used for the confirmation test for alcohol. A urine, saliva or  
17 blood specimen may be used for the confirmation test for drugs;

18 5. "Department" means the State Department of Health;

19 6. "Drug" means amphetamines, cannabinoids, cocaine,  
20 phencyclidine (PCP), hallucinogens, methaqualone, opiates,  
21 barbiturates, benzodiazepines, synthetic narcotics, designer drugs,  
22 or a metabolite of any of the substances listed herein;

23 7. "Drug or alcohol test" means a chemical test administered  
24 for the purpose of determining the presence or absence of a drug or

1 its metabolites or alcohol in a person's bodily tissue, fluids or  
2 products. Adulteration of a specimen or of a drug or alcohol test  
3 shall be considered as a refusal to test;

4 8. "Employee" means any person who supplies labor for  
5 remuneration to his or her employer in this state and shall not  
6 include an independent contractor, subcontractor ~~or~~, employees of an  
7 independent contractor or volunteer; provided, however, an  
8 independent contractor, subcontractor~~,~~ or employees of an  
9 independent contractor, may be subject to a workplace drug or  
10 alcohol testing policy under the terms of the contractual agreement  
11 when the drug or alcohol testing policy applies to other workers at  
12 the job site or workers who are in the same or similar  
13 classification or group, and a volunteer who supplies volunteer  
14 services or labor in a safety-sensitive position as defined by  
15 Section 427.8 of Title 63 of the Oklahoma Statutes to an  
16 organization may be subject to a workplace drug and alcohol testing  
17 policy under the terms of the organization's policy;

18 9. "Employer" means any person, firm, corporation, partnership,  
19 association, nonprofit organization or public employer, which has  
20 one or more employees within this state, or which has offered or may  
21 offer employment or volunteer opportunities in safety-sensitive  
22 positions as defined by Section 427.8 of Title 63 of the Oklahoma  
23 Statutes to one or more individuals in this state;

24

1 10. "Public employer" means the State of Oklahoma or any  
2 political subdivision thereof, including any department, agency,  
3 board, commission, institution, authority, public trust,  
4 municipality, county, district or instrumentalities thereof;

5 11. "Review officer" means a person, qualified by the State  
6 Board of Health, who is responsible for receiving results from a  
7 testing facility which have been generated by an employer's drug or  
8 alcohol testing program, and who has knowledge and training to  
9 interpret and evaluate an individual's test results together with  
10 the individual's medical history and any other relevant information;

11 12. "Sample" means tissue, fluid or product of the human body  
12 chemically capable of revealing the presence of drugs or alcohol in  
13 the human body; and

14 13. "Testing facility" means a facility which provides  
15 laboratory services to test samples for the presence of drugs or  
16 alcohol.

17 SECTION 2. AMENDATORY Section 2, Chapter 11, O.S.L.  
18 2019, as last amended by Section 48, Chapter 161, O.S.L. 2020 (63  
19 O.S. Supp. 2020, Section 427.2), is amended to read as follows:

20 Section 427.2. As used in ~~this act~~ the Oklahoma Medical  
21 Marijuana and Patient Protection Act:

22 1. "Advertising" means the act of providing consideration for  
23 the publication, dissemination, solicitation, or circulation, of  
24 visual, oral, or written communication to induce directly or

1 indirectly any person to patronize a particular medical marijuana  
2 business, or to purchase particular medical marijuana or a medical  
3 marijuana product. Advertising includes marketing, but does not  
4 include packaging and labeling;

5 2. "Applicant" means a person who has applied for a position  
6 with an employer and received a conditional offer of employment or a  
7 person who seeks to supply services or labor in a safety-sensitive  
8 position as defined in Section 427.8 of this title to an  
9 organization;

10 3. "Authority" means the Oklahoma Medical Marijuana Authority;

11 ~~3.~~ 4. "Batch number" means a unique numeric or alphanumeric  
12 identifier assigned prior to testing to allow for inventory tracking  
13 and traceability;

14 4. 5. "Cannabinoid" means any of the chemical compounds that  
15 are active principles of marijuana;

16 ~~5.~~ 6. "Caregiver" means a family member or assistant who  
17 regularly looks after a medical marijuana license holder whom a  
18 physician attests needs assistance;

19 ~~6.~~ 7. "Child-resistant" means special packaging that is:

20 a. designed or constructed to be significantly difficult  
21 for children under five (5) years of age to open and  
22 not difficult for normal adults to use properly as  
23 defined by 16 C.F.R. 1700.15 (1995) and 16 C.F.R.  
24 1700.20 (1995),

1           b.    opaque so that the outermost packaging does not allow  
2                    the product to be seen without opening the packaging  
3                    material, and

4           c.    resealable to maintain its child-resistant  
5                    effectiveness for multiple openings for any product  
6                    intended for more than a single use or containing  
7                    multiple servings;

8       ~~7.~~ 8.    "Clone" means a nonflowering plant cut from a mother  
9    plant that is capable of developing into a new plant and has shown  
10   no signs of flowering;

11       ~~8.~~ 9.    "Commissioner" means the State Commissioner of Health;

12       ~~9.~~ 10. "Complete application" means a document prepared in  
13   accordance with the provisions set forth in ~~this act~~ the Oklahoma  
14   Medical Marijuana and Patient Protection Act, rules promulgated  
15   pursuant thereto, and the forms and instructions provided by the  
16   Department, including any supporting documentation required and the  
17   applicable license application fee;

18       ~~10.~~ 11. "Department" means the State Department of Health;

19       ~~11.~~ 12. "Director" means the Executive Director of the Oklahoma  
20   Medical Marijuana Authority;

21       ~~12.~~ 13. "Dispense" means the selling of medical marijuana or a  
22   medical marijuana product to a qualified patient or the designated  
23   caregiver of the patient that is packaged in a suitable container  
24

1 appropriately labeled for subsequent administration to or use by a  
2 qualifying patient;

3 ~~13.~~ 14. "Dispensary" means a medical marijuana dispensary, an  
4 entity that has been licensed by the Department pursuant to ~~this act~~  
5 the Oklahoma Medical Marijuana and Patient Protection Act to  
6 purchase medical marijuana or medical marijuana products from a  
7 licensed medical marijuana commercial grower or medical marijuana  
8 processor, sell medical marijuana or medical marijuana products to  
9 patients and caregivers as defined under ~~this act~~ the Oklahoma  
10 Medical Marijuana and Patient Protection Act, or sell or transfer  
11 products to another dispensary;

12 ~~14.~~ 15. "Edible medical marijuana product" means any medical-  
13 marijuana-infused product for which the intended use is oral  
14 consumption including, but not limited to, any type of food, drink  
15 or pill;

16 16. "Employee" means any person who supplies labor for  
17 remuneration to his or her employer in this state and shall not  
18 include an independent contractor, subcontractor, employees of an  
19 independent contractor or volunteer; provided, however, an  
20 independent contractor, subcontractor or employees of an independent  
21 contractor, may be subject to a workplace drug or alcohol testing  
22 policy under the terms of the contractual agreement when the drug or  
23 alcohol testing policy applies to other workers at the job site or  
24 workers who are in the same or similar classification or group, and

1 a volunteer who supplies volunteer services or labor in a safety-  
2 sensitive position as defined by Section 427.8 of this title to an  
3 organization may be subject to a workplace drug and alcohol testing  
4 policy under the terms of the organization's policy;

5 ~~15.~~ 17. "Entity" means an individual, general partnership,  
6 limited partnership, limited liability company, trust, estate,  
7 association, corporation, cooperative, or any other legal or  
8 commercial entity;

9 ~~16.~~ 18. "Flower" means the reproductive organs of the marijuana  
10 or cannabis plant referred to as the bud or parts of the plant that  
11 are harvested and used to consume in a variety of medical marijuana  
12 products;

13 ~~17.~~ 19. "Flowering" means the reproductive state of the  
14 marijuana or cannabis plant in which there are physical signs of  
15 flower or budding out of the nodes of the stem;

16 ~~18.~~ 20. "Food-based medical marijuana concentrate" means a  
17 medical marijuana concentrate that was produced by extracting  
18 cannabinoids from medical marijuana through the use of propylene  
19 glycol, glycerin, butter, olive oil, coconut oil or other typical  
20 food-safe cooking fats;

21 ~~19.~~ 21. "Good cause" for purposes of an initial, renewal or  
22 reinstatement license application, or for purposes of discipline of  
23 a licensee, means:

24

- 1 a. the licensee or applicant has violated, does not meet,  
2 or has failed to comply with any of the terms,  
3 conditions or provisions of the ~~act~~ Oklahoma Medical  
4 Marijuana and Patient Protection Act, any rules  
5 promulgated pursuant thereto, or any supplemental  
6 relevant state or local law, rule or regulation,
- 7 b. the licensee or applicant has failed to comply with  
8 any special terms or conditions that were placed upon  
9 the license pursuant to an order of the State  
10 Department of Health, Oklahoma Medical Marijuana  
11 Authority or the municipality, or
- 12 c. the licensed premises of a medical marijuana business  
13 or applicant have been operated in a manner that  
14 adversely affects the public health or welfare or the  
15 safety of the immediate vicinity in which the  
16 establishment is located;

17 ~~20.~~ 22. "Harvest batch" means a specifically identified  
18 quantity of medical marijuana that is uniform in strain, cultivated  
19 utilizing the same cultivation practices, harvested at the same time  
20 from the same location and cured under uniform conditions;

21 ~~21.~~ 23. "Harvested marijuana" means post-flowering medical  
22 marijuana not including trim, concentrate or waste;

23 ~~22.~~ 24. "Heat- or pressure-based medical marijuana concentrate"  
24 means a medical marijuana concentrate that was produced by

1 extracting cannabinoids from medical marijuana through the use of  
2 heat or pressure;

3 ~~23.~~ 25. "Immature plant" means a nonflowering marijuana plant  
4 that has not demonstrated signs of flowering;

5 ~~24.~~ 26. "Inventory tracking system" means the required tracking  
6 system that accounts for medical marijuana from either the seed or  
7 immature plant stage until the medical marijuana or medical  
8 marijuana product is sold to a patient at a medical marijuana  
9 dispensary, transferred to a medical marijuana research facility,  
10 destroyed by a medical marijuana business or used in a research  
11 project by a medical marijuana research facility;

12 ~~25.~~ 27. "Licensed patient" or "patient" means a person who has  
13 been issued a medical marijuana patient license by the State  
14 Department of Health or Oklahoma Medical Marijuana Authority;

15 ~~26.~~ 28. "Licensed premises" means the premises specified in an  
16 application for a medical marijuana business license, medical  
17 marijuana research facility license or medical marijuana education  
18 facility license pursuant to ~~this act~~ the Oklahoma Medical Marijuana  
19 and Patient Protection Act that are owned or in possession of the  
20 licensee and within which the licensee is authorized to cultivate,  
21 manufacture, distribute, sell, store, transport, test or research  
22 medical marijuana or medical marijuana products in accordance with  
23 the provisions of ~~this act~~ the Oklahoma Medical Marijuana and  
24 Patient Protection Act and rules promulgated pursuant thereto;

1       ~~27.~~ 29. "Manufacture" means the production, propagation,  
2 compounding or processing of a medical marijuana product, excluding  
3 marijuana plants, either directly or indirectly by extraction from  
4 substances of natural or synthetic origin, or independently by means  
5 of chemical synthesis, or by a combination of extraction and  
6 chemical synthesis;

7       ~~28.~~ 30. "Marijuana" shall have the same meaning as such term is  
8 defined in Section 2-101 of ~~Title 63 of the Oklahoma Statutes~~ this  
9 title;

10       ~~29.~~ 31. "Material change" means any change that would require a  
11 substantive revision to the standard operating procedures of a  
12 licensee for the cultivation or production of medical marijuana,  
13 medical marijuana concentrate or medical marijuana products;

14       ~~30.~~ 32. "Mature plant" means a harvestable female marijuana  
15 plant that is flowering;

16       ~~31.~~ 33. "Medical marijuana business (MMB)" means a licensed  
17 medical marijuana dispensary, medical marijuana processor, medical  
18 marijuana commercial grower, medical marijuana laboratory, medical  
19 marijuana business operator, or a medical marijuana transporter;

20       ~~32.~~ 34. "Medical marijuana concentrate" or "concentrate" means  
21 a specific subset of medical marijuana that was produced by  
22 extracting cannabinoids from medical marijuana. Categories of  
23 medical marijuana concentrate include water-based medical marijuana  
24 concentrate, food-based medical marijuana concentrate, solvent-based

1 medical marijuana concentrate, and heat- or pressure-based medical  
2 marijuana concentrate;

3 ~~33.~~ 35. "Medical marijuana commercial grower" or "commercial  
4 grower" means an entity licensed to cultivate, prepare and package  
5 medical marijuana and transfer or contract for transfer medical  
6 marijuana to a medical marijuana dispensary, medical marijuana  
7 processor, any other medical marijuana commercial grower, medical  
8 marijuana research facility, medical marijuana education facility  
9 and pesticide manufacturers. A commercial grower may sell seeds,  
10 flower or clones to commercial growers pursuant to ~~this act~~ the  
11 Oklahoma Medical Marijuana and Patient Protection Act;

12 ~~34.~~ 36. "Medical marijuana education facility" or "education  
13 facility" means a person or entity approved pursuant to ~~this act~~ the  
14 Oklahoma Medical Marijuana and Patient Protection Act to operate a  
15 facility providing training and education to individuals involving  
16 the cultivation, growing, harvesting, curing, preparing, packaging  
17 or testing of medical marijuana, or the production, manufacture,  
18 extraction, processing, packaging or creation of medical-marijuana-  
19 infused products or medical marijuana products as described in ~~this~~  
20 ~~act~~ the Oklahoma Medical Marijuana and Patient Protection Act;

21 ~~35.~~ 37. "Medical-marijuana-infused product" means a product  
22 infused with medical marijuana including, but not limited to, edible  
23 products, ointments and tinctures;

24

1       ~~36.~~ 38. "Medical marijuana product" or "product" means a  
2 product that contains cannabinoids that have been extracted from  
3 plant material or the resin therefrom by physical or chemical means  
4 and is intended for administration to a qualified patient including,  
5 but not limited to, oils, tinctures, edibles, pills, topical forms,  
6 gels, creams, vapors, patches, liquids, and forms administered by a  
7 nebulizer, excluding live plant forms which are considered medical  
8 marijuana;

9       ~~37.~~ 39. "Medical marijuana processor" means a person or entity  
10 licensed pursuant to this act to operate a business including the  
11 production, manufacture, extraction, processing, packaging or  
12 creation of concentrate, medical-marijuana-infused products or  
13 medical marijuana products as described in ~~this act~~ the Oklahoma  
14 Medical Marijuana and Patient Protection Act;

15       ~~38.~~ 40. "Medical marijuana research facility" or "research  
16 facility" means a person or entity approved pursuant to ~~this act~~ the  
17 Oklahoma Medical Marijuana and Patient Protection Act to conduct  
18 medical marijuana research. A medical marijuana research facility  
19 is not a medical marijuana business;

20       ~~39.~~ 41. "Medical marijuana testing laboratory" or "laboratory"  
21 means a public or private laboratory licensed pursuant to ~~this act~~  
22 the Oklahoma Medical Marijuana and Patient Protection Act, to  
23 conduct testing and research on medical marijuana and medical  
24 marijuana products;

1       ~~40.~~ 42. "Medical marijuana transporter" or "transporter" means  
2 a person or entity that is licensed pursuant to ~~this act~~ the  
3 Oklahoma Medical Marijuana and Patient Protection Act. A medical  
4 marijuana transporter does not include a medical marijuana business  
5 that transports its own medical marijuana, medical marijuana  
6 concentrate or medical marijuana products to a property or facility  
7 adjacent to or connected to the licensed premises if the property is  
8 another licensed premises of the same medical marijuana business;

9       ~~41.~~ 43. "Medical marijuana waste" or "waste" means unused,  
10 surplus, returned or out-of-date marijuana, plant debris of the  
11 plant of the genus Cannabis, including dead plants and all unused  
12 plant parts and roots, except the term shall not include roots,  
13 stems, stalks and fan leaves;

14       ~~42.~~ 44. "Medical use" means the acquisition, possession, use,  
15 delivery, transfer or transportation of medical marijuana, medical  
16 marijuana products, medical marijuana devices or paraphernalia  
17 relating to the administration of medical marijuana to treat a  
18 licensed patient;

19       ~~43.~~ 45. "Mother plant" means a marijuana plant that is grown or  
20 maintained for the purpose of generating clones, and that will not  
21 be used to produce plant material for sale to a medical marijuana  
22 processor or medical marijuana dispensary;

23       ~~44.~~ 46. "Oklahoma physician" or "physician" means a physician  
24 licensed by and in good standing with the State Board of Medical

1 Licensure and Supervision, the State Board of Osteopathic Examiners  
2 or the Board of Podiatric Medical Examiners;

3 ~~45.~~ 47. "Oklahoma resident" means an individual who can provide  
4 proof of residency as required by ~~this act~~ the Oklahoma Medical  
5 Marijuana and Patient Protection Act;

6 ~~46.~~ 48. "Owner" means, except where the context otherwise  
7 requires, a direct beneficial owner including, but not limited to,  
8 all persons or entities as follows:

- 9 a. all shareholders owning an interest of a corporate  
10 entity and all officers of a corporate entity,
- 11 b. all partners of a general partnership,
- 12 c. all general partners and all limited partners that own  
13 an interest in a limited partnership,
- 14 d. all members that own an interest in a limited  
15 liability company,
- 16 e. all beneficiaries that hold a beneficial interest in a  
17 trust and all trustees of a trust,
- 18 f. all persons or entities that own interest in a joint  
19 venture,
- 20 g. all persons or entities that own an interest in an  
21 association,
- 22 h. the owners of any other type of legal entity, and

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24

1 i. any other person holding an interest or convertible  
2 note in any entity which owns, operates or manages a  
3 licensed facility;

4 ~~47.~~ 49. "Package" or "packaging" means any container or wrapper  
5 that may be used by a medical marijuana business to enclose or  
6 contain medical marijuana;

7 ~~48.~~ 50. "Person" means a natural person, partnership,  
8 association, business trust, company, corporation, estate, limited  
9 liability company, trust or any other legal entity or organization,  
10 or a manager, agent, owner, director, servant, officer or employee  
11 thereof, except that "person" does not include any governmental  
12 organization;

13 ~~49.~~ 51. "Pesticide" means any substance or mixture of  
14 substances intended for preventing, destroying, repelling or  
15 mitigating any pest or any substance or mixture of substances  
16 intended for use as a plant regulator, defoliant or desiccant,  
17 except that the term "pesticide" shall not include any article that  
18 is a "new animal drug" as designated by the United States Food and  
19 Drug Administration;

20 ~~50.~~ 52. "Production batch" means:

21 a. any amount of medical marijuana concentrate of the  
22 same category and produced using the same extraction  
23 methods, standard operating procedures and an  
24

1 identical group of harvest batch of medical marijuana,  
2 or

3 b. any amount of medical marijuana product of the same  
4 exact type, produced using the same ingredients,  
5 standard operating procedures and the same production  
6 batch of medical marijuana concentrate;

7 ~~51.~~ 53. "Public institution" means any entity established or  
8 controlled by the federal government, state government, or a local  
9 government or municipality including, but not limited to,  
10 institutions of higher education or related research institutions;

11 ~~52.~~ 54. "Public money" means any funds or money obtained by the  
12 holder from any governmental entity including, but not limited to,  
13 research grants;

14 ~~53.~~ 55. "Recommendation" means a document that is signed or  
15 electronically submitted by a physician on behalf of a patient for  
16 the use of medical marijuana pursuant to ~~this act~~ the Oklahoma  
17 Medical Marijuana and Patient Protection Act;

18 ~~54.~~ 56. "Registered to conduct business" means a person that  
19 has provided proof that the business applicant is in good standing  
20 with the Oklahoma Secretary of State and Oklahoma Tax Commission;

21 ~~55.~~ 57. "Remediation" means the process by which the medical  
22 marijuana flower or trim, which has failed microbial testing, is  
23 processed into solvent-based medical marijuana concentrate and  
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1 retested as required by ~~this act~~ the Oklahoma Medical Marijuana and  
2 Patient Protection Act;

3 ~~56.~~ 58. "Research project" means a discrete scientific endeavor  
4 to answer a research question or a set of research questions related  
5 to medical marijuana and is required for a medical marijuana  
6 research license. A research project shall include a description of  
7 a 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~~ the Oklahoma Medical Marijuana and Patient  
11 Protection Act and rules promulgated pursuant thereto. All research  
12 and development conducted by a medical marijuana research facility  
13 shall be conducted in furtherance of an approved research project;

14 ~~57.~~ 59. "Revocation" means the final decision by the Department  
15 that any license issued pursuant to ~~this act~~ the Oklahoma Medical  
16 Marijuana and Patient Protection Act is rescinded because the  
17 individual or entity does not comply with the applicable  
18 requirements set forth in ~~this act~~ the Oklahoma Medical Marijuana  
19 and Patient Protection Act or rules promulgated pursuant thereto;

20 ~~58.~~ 60. "School" means a public or private preschool or a  
21 public or private elementary or secondary school used for school  
22 classes and instruction. A homeschool, daycare or child-care  
23 facility shall not be considered a "school" as used in ~~this act~~ the  
24 Oklahoma Medical Marijuana and Patient Protection Act;

1       ~~59.~~ 61. "Shipping container" means a hard-sided container with  
2 a lid or other enclosure that can be secured in place. A shipping  
3 container is used solely for the transport of medical marijuana,  
4 medical marijuana concentrate, or medical marijuana products between  
5 medical marijuana businesses, a medical marijuana research facility,  
6 or a medical marijuana education facility;

7       ~~60.~~ 62. "Solvent-based medical marijuana concentrate" means a  
8 medical marijuana concentrate that was produced by extracting  
9 cannabinoids from medical marijuana through the use of a solvent  
10 approved by the Department;

11       ~~61.~~ 63. "State Question" means Oklahoma State Question No. 788,  
12 Initiative Petition No. 412, approved by a majority vote of the  
13 citizens of Oklahoma on June 26, 2018;

14       ~~62.~~ 64. "Strain" means the classification of marijuana or  
15 cannabis plants in either pure sativa, indica, afghanica, ruderalis  
16 or hybrid varieties;

17       ~~63.~~ 65. "THC" means tetrahydrocannabinol, which is the primary  
18 psychotropic cannabinoid in marijuana formed by decarboxylation of  
19 naturally tetrahydrocannabinolic acid, which generally occurs by  
20 exposure to heat;

21       ~~64.~~ 66. "Test batch" means with regard to usable marijuana, a  
22 homogenous, identified quantity of usable marijuana by strain, no  
23 greater than ten (10) pounds, that is harvested during a seven-day  
24 period from a specified cultivation area, and with regard to oils,

1 vapors and waxes derived from usable marijuana, means an identified  
2 quantity that is uniform, that is intended to meet specifications  
3 for identity, strength and composition, and that is manufactured,  
4 packaged and labeled during a specified time period according to a  
5 single manufacturing, packaging and labeling protocol;

6 ~~65.~~ 67. "Transporter agent" means a person who transports  
7 medical marijuana or medical marijuana products for a licensed  
8 transporter and holds a transporter agent license pursuant to ~~this~~  
9 ~~act~~ the Oklahoma Medical Marijuana and Patient Protection Act;

10 ~~66.~~ 68. "Universal symbol" means the image established by the  
11 State Department of Health or Oklahoma Medical Marijuana Authority  
12 and made available to licensees through its website indicating that  
13 the medical marijuana or the medical marijuana product contains THC;

14 ~~67.~~ 69. "Usable marijuana" means the dried leaves, flowers,  
15 oils, vapors, waxes and other portions of the marijuana plant and  
16 any mixture or preparation thereof, excluding seed, roots, stems,  
17 stalks and fan leaves; and

18 ~~68.~~ 70. "Water-based medical marijuana concentrate" means a  
19 concentrate that was produced by extracting cannabinoids from  
20 medical marijuana through the use of only water, ice, or dry ice.

21 SECTION 3. AMENDATORY Section 8, Chapter 11, O.S.L. 2019  
22 (63 O.S. Supp. 2020, Section 427.8), is amended to read as follows:

23 Section 427.8. A. The rights to possess the marijuana products  
24 set forth in Section 420 of ~~Title 63 of the Oklahoma Statutes~~ this

1 title are cumulative and a duly licensed individual may possess at  
2 any one time the totality of the items listed therein and not be in  
3 violation of ~~this act~~ the Oklahoma Medical Marijuana and Patient  
4 Protection Act so long as the individual holds a valid patient  
5 license or caregiver license.

6 B. Municipal and county governing bodies may not enact medical  
7 marijuana guidelines which restrict or interfere with the rights of  
8 a licensed patient or caregiver to possess, purchase, cultivate or  
9 transport medical marijuana within the legal limits set forth in  
10 ~~this act~~ the Oklahoma Medical Marijuana and Patient Protection Act  
11 or Section 420 et seq. of ~~Title 63 of the Oklahoma Statutes~~ this  
12 title or require patients or caregivers to obtain permits or  
13 licenses in addition to the state-required licenses provided herein.

14 C. Nothing in ~~this act~~ the M Oklahoma edical Marijuana and  
15 Patient Protection Act or Section 420 et seq. of ~~Title 63 of the~~  
16 ~~Oklahoma Statutes~~ this title shall prohibit a residential or  
17 commercial property or business owner from prohibiting the  
18 consumption of medical marijuana or medical marijuana product by  
19 smoke or vaporization on the premises, within the structures of the  
20 premises or within ten (10) feet of the entryway to the premises.  
21 However, a medical marijuana patient shall not be denied the right  
22 to consume or use other medical marijuana products which are  
23 otherwise legal and do not involve the smoking or vaporization of

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1 cannabis when lawfully recommended pursuant to Section 420 of Title  
2 63 of the Oklahoma Statutes.

3 D. A medical marijuana patient or caregiver licensee shall not  
4 be denied eligibility in public assistance programs including, but  
5 not limited to, Medicaid, Supplemental Nutrition Assistance Program  
6 (SNAP), Women, Infants, and Children Nutrition Program (WIC),  
7 Temporary Assistance for Needy Families (TANF) or other such public  
8 assistance programs based solely on his or her status as a medical  
9 marijuana patient or caregiver licensee, unless required by federal  
10 law.

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

21 F. A medical marijuana patient or caregiver in actual  
22 possession of a medical marijuana license shall not be subject to  
23 arrest, prosecution or penalty in any manner or denied any right,  
24 privilege or public assistance, under state law or municipal or

1 county ordinance or resolution including without limitation a civil  
2 penalty or disciplinary action by a business, occupational or  
3 professional licensing board or bureau, for the medical use of  
4 marijuana in accordance with ~~this act~~ the Oklahoma Medical Marijuana  
5 and Patient Protection Act.

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

9 H. Unless otherwise required by federal law or required to  
10 obtain federal funding:

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

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

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

20 b. the licensee possesses, consumes or is under the  
21 influence of medical marijuana or medical marijuana  
22 product while at the place of employment or during the  
23 fulfillment of employment obligations, or

24

1 c. the position is one involving safety-sensitive job  
2 duties, as such term is defined in subsection K of  
3 this section.

4 I. Nothing in ~~this act~~ the Oklahoma Medical Marijuana and  
5 Patient Protection Act or Section 420 et seq. of ~~Title 63 of the~~  
6 ~~Oklahoma Statutes~~ this title shall:

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

10 2. Require an employer, a government medical assistance  
11 program, private health insurer, worker's compensation carrier or  
12 self-insured employer providing worker's compensation benefits to  
13 reimburse a person for costs associated with the use of medical  
14 marijuana; or

15 3. Prevent an employer from having written policies regarding  
16 drug testing and impairment in accordance with the Oklahoma  
17 Standards for Workplace Drug and Alcohol Testing Act, Section 551 et  
18 seq. of Title 40 of the Oklahoma Statutes.

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

24 K. As used in this section:

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

- 5 a. the handling, packaging, processing, storage, disposal  
6 or transport of hazardous materials,
- 7 b. the operation of a motor vehicle, other vehicle,  
8 equipment, machinery or power tools,
- 9 c. repairing, maintaining or monitoring the performance  
10 or operation of any equipment, machinery or  
11 manufacturing process, the malfunction or disruption  
12 of which could result in injury or property damage,
- 13 d. performing firefighting or law enforcement duties,
- 14 e. the operation, maintenance or oversight of critical  
15 services and infrastructure including, but not limited  
16 to, electric, gas, and water utilities, power  
17 generation or distribution,
- 18 f. the extraction, compression, processing,  
19 manufacturing, handling, packaging, storage, disposal,  
20 treatment or transport of potentially volatile,  
21 flammable, combustible materials, elements, chemicals  
22 or any other highly regulated component,
- 23 g. dispensing pharmaceuticals,
- 24 h. carrying a firearm, or

1 i. direct patient care, vulnerable or elderly adult care,  
2 disabled or handicapped care or direct child care; and

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

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

14 SECTION 4. This act shall become effective November 1, 2021.

15  
16 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND COMMERCE, dated  
17 04/07/2021 - DO PASS.  
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