

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

HOUSE BILL 3214

By: Griffith

AS INTRODUCED

An Act relating to marijuana; amending 63 O.S. 2011, Section 2-106, as amended by Section 1, Chapter 340, O.S.L. 2013 (63 O.S. Supp. 2017, Section 2-106), which relates to the Uniform Controlled Dangerous Substances Act; modifying powers and duties of the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control; authorizing promulgation of rules and regulations for oversight of medical marijuana dispensaries; allowing inspections of medical marijuana dispensaries; and declaring an emergency.

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

SECTION 1. AMENDATORY 63 O.S. 2011, Section 2-106, as amended by Section 1, Chapter 340, O.S.L. 2013 (63 O.S. Supp. 2017, Section 2-106), is amended to read as follows:

Section 2-106. A. The Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control shall, in addition to other powers and duties vested in the Director:

1. Cooperate with federal and other state agencies in discharging the responsibilities concerning traffic in narcotics and

1 dangerous substances and in suppressing the abuse of dangerous
2 substances;

3 2. Arrange for the exchange of information between governmental
4 officials concerning the use and abuse of dangerous substances;

5 3. Coordinate and cooperate in training programs on dangerous
6 substances law enforcement at the local and state levels;

7 4. Cooperate with the Oklahoma State Bureau of Narcotics and
8 Dangerous Drugs Control by establishing a centralized unit which
9 will accept, catalog, file and collect statistics, including records
10 of drug-dependent persons and other dangerous substance law
11 offenders within the state, and make such information available for
12 federal, state and local law enforcement purposes; and may collect
13 and furnish statistics for other appropriate purposes; and

14 5. Coordinate and cooperate in programs of eradication aimed at
15 destroying wild or illicit growth of plant species from which
16 controlled dangerous substances may be extracted.

17 B. Results, information and evidence received from the Oklahoma
18 State Bureau of Narcotics and Dangerous Drugs Control relating to
19 the regulatory functions of this act, including results of
20 inspections conducted by that agency, may be relied upon and acted
21 upon by the Director in conformance with the regulatory functions
22 under this act.

23 C. The Director is further authorized and directed to:
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1 1. Coordinate and cooperate in educational programs designed to
2 prevent and deter misuse and abuse of controlled dangerous
3 substances;

4 2. Promote better recognition of the problems of misuse and
5 abuse of controlled dangerous substances within the regulated
6 industry and among interested groups and organizations;

7 3. Assist the regulated industry, interested groups and
8 organizations in contributing to the reduction of misuse and abuse
9 of controlled dangerous substances;

10 4. Consult with interested groups and organizations to aid them
11 in solving administrative and organizational problems;

12 5. Assist in evaluating procedures, projects, techniques and
13 controls conducted or proposed as part of educational programs on
14 misuse and abuse of controlled dangerous substances;

15 6. Disseminate the results of research on misuse and abuse of
16 controlled dangerous substances to promote a better public
17 understanding of what problems exist and what can be done to combat
18 them;

19 7. Assist in the education and training of state and local law
20 enforcement officials in their efforts to control misuse and abuse
21 of controlled dangerous substances;

22 8. Conduct an annual seminar to be attended by selected law
23 enforcement officers in order to teach new techniques and advances
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1 in the investigation of violations of the Uniform Controlled
2 Dangerous Substances Act; and

3 9. Supervise and direct agents appointed in the performance of
4 their function of enforcement of the provisions of this act.

5 D. The Director is further authorized and directed to:

6 1. Encourage research on misuse and abuse of controlled
7 dangerous substances;

8 2. Cooperate in establishing methods to assess accurately the
9 effects of controlled dangerous substances and to identify and
10 characterize controlled dangerous substances with potential for
11 abuse; and

12 3. Cooperate in making studies and in undertaking programs of
13 research to:

14 a. develop new or improved approaches, techniques,
15 systems, equipment and devices to strengthen the
16 enforcement of this act,

17 b. determine patterns of misuse and abuse of controlled
18 dangerous substances and the social effects thereof,
19 and

20 c. improve methods for preventing, predicting,
21 understanding and dealing with the misuse and abuse of
22 controlled dangerous substances.

23 E. The Director shall prepare a yearly report on all deaths and
24 nonfatal overdoses which were the result or probable result of abuse

1 of a controlled dangerous substance. The yearly report shall be
2 limited to statistical information including, but not limited to,
3 the county where the death or nonfatal overdose occurred, age, race,
4 gender, type of controlled dangerous substances involved in the
5 death or nonfatal overdose, and the method in which the controlled
6 dangerous substance was obtained by the person, when available.

7 F. The Director may enter into contracts with public agencies,
8 institutions of higher education and private organizations or
9 individuals for the purpose of conducting research, demonstrations
10 or special projects which bear directly on misuse and abuse of
11 controlled dangerous substances.

12 G. The Director may enter into contracts for educational and
13 research activities without performance bonds.

14 H. The Director may authorize persons engaged in research or
15 scientific activities on the use and effects of dangerous substances
16 to withhold the names and other identifying characteristics of
17 persons who are the subjects of such research. Persons who obtain
18 this authorization may not be compelled in any state civil,
19 criminal, administrative, legislative or other proceeding to
20 identify the subjects of research for which such authorization was
21 obtained.

22 I. The Director may authorize the lawful possession,
23 distribution and use of controlled dangerous substances by persons
24 engaged in research or scientific activities; authorization for

1 possession of controlled dangerous substances may be extended to
2 persons engaged in a program of drug education or persons in the
3 performance of an official duty. Persons who obtain this
4 authorization shall be exempt from state prosecution for possession,
5 distribution or use of dangerous substances to the extent authorized
6 by the Director.

7 J. The Director is authorized to accept gifts, bequests,
8 devises, contributions and grants, public or private, including
9 federal funds or funds from any other source for use in furthering
10 the purpose of the office of the Director.

11 K. The Director is authorized to purchase or sell real
12 property, together with appurtenances, in the name of the Oklahoma
13 State Bureau of Narcotics and Dangerous Drugs Control upon approval
14 of the Oklahoma State Bureau of Narcotics and Dangerous Drugs
15 Control Commission.

16 L. The Director is authorized to purchase and maintain motor
17 vehicles and other equipment for use by the employees of the Bureau.

18 M. The Director shall be in charge of all monies appropriated
19 for or deposited to the credit of the office of the Director and is
20 authorized to approve claims and payrolls as provided in Section
21 41.26 of Title 62 of the Oklahoma Statutes.

22 N. The Director shall have the authority of a peace officer and
23 is authorized to commission assistants of the office as peace
24 officers.

1 O. Upon determining that a practitioner is prescribing a
2 controlled dangerous substance to a person engaged in fraudulent or
3 deceptive efforts to fill or refill multiple prescriptions for
4 controlled dangerous substances, the Director shall provide written
5 or electronic notification alerting the practitioner to the
6 possibility that the person may be unlawfully obtaining prescription
7 drugs in violation of the Uniform Controlled Dangerous Substances
8 Act.

9 P. Contingent upon passage and approval of State Question No.
10 788, the Director shall be authorized to promulgate rules and
11 regulations governing the oversight of licensed medical marijuana
12 dispensaries located within this state. The rules and regulations
13 shall include, but not be limited to, requirements for record
14 keeping, inventory control, sales, personnel and security at
15 licensed medical marijuana dispensaries. The Director is further
16 authorized to inspect any licensed medical marijuana dispensary to
17 determine if the dispensary is in compliance with rules and
18 regulations promulgated by the Director and applicable state laws
19 that govern the dispensing of medical marijuana to medical marijuana
20 license holders.

21 SECTION 2. It being immediately necessary for the preservation
22 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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