

**COMMITTEE AMENDMENT**  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB532  
Page 3 Section 2 Lines 9  
Of the printed Bill  
Of the Engrossed Bill

By inserting a new "SECTION 2." to read as follows:

(see attached)

and by renumbering the subsequent section of the bill.

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Adopted: \_\_\_\_\_

Amendment submitted by: Scott Fetgatter

\_\_\_\_\_  
Reading Clerk

1 "SECTION 2. AMENDATORY Section 14 of Enrolled House Bill  
2 No. 2612 of the 1st Session of the 57th Oklahoma Legislature, is  
3 amended to read as follows:

4 Section 14. A. There is hereby created the medical marijuana  
5 business license, which shall include the following categories:

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

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

14 C. The Authority shall make available on its website ~~or the~~  
15 ~~website of the Oklahoma Medical Marijuana Authority~~ in an easy-to-  
16 find location, applications for a medical marijuana business.

17 D. The nonrefundable application fee for a medical marijuana  
18 business license shall be Two Thousand Five Hundred Dollars  
19 (\$2,500.00).

20 E. All applicants seeking licensure as a medical marijuana  
21 business shall comply with the following general requirements:

- 22 1. All applications for licenses and registrations authorized  
23 pursuant to this section shall be made upon forms prescribed by the  
24 Authority;

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

4        3. Applicants shall submit a complete application to the  
5 Department before the application may be accepted or considered;

6        4. All applications shall be complete and accurate in every  
7 detail;

8        5. All applications shall include all attachments or  
9 supplemental information required by the forms supplied by the  
10 Authority;

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

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

- 16           a. all applicants shall be age twenty-five (25) or older,
- 17           b. any applicant applying as an individual shall show  
18           proof that the applicant is an Oklahoma resident  
19           pursuant to paragraph 11 of this subsection,
- 20           c. any applicant applying as an entity shall show that  
21           seventy-five percent (75%) of all members, managers,  
22           executive officers, partners, board members or any  
23           other form of business ownership are Oklahoma  
24           residents pursuant to paragraph 11 of this subsection,

- d. all applying individuals or entities shall be registered to conduct business in the State of Oklahoma,
- e. all applicants shall disclose all ownership interests pursuant to this act, and
- f. applicants shall not have been convicted of a nonviolent felony in the last two (2) years, and any other felony conviction within the last five (5) years, shall not be current inmates, or currently incarcerated in a jail or corrections facility;

8. There shall be no limit to the number of medical marijuana business licenses or categories that an individual or entity can apply for or receive, although each application and each category shall require a separate application and application fee. A commercial grower, processor and dispensary, or any combination thereof, are authorized to share the same address or physical location, subject to the restrictions set forth in this act;

9. All applicants for a medical marijuana business license, research facility license or education facility license authorized by this act shall undergo an Oklahoma criminal history background check conducted by the Oklahoma State Bureau of Investigation (OSBI) within thirty (30) days prior to the application for the license, including:

- a. individual applicants applying on their own behalf,

- b. individuals applying on behalf of an entity,
- c. all principal officers of an entity, and
- d. all owners of an entity as defined by this act;

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

11. In order to be considered an Oklahoma resident for purposes of a medical marijuana business application, all applicants shall provide proof of Oklahoma residency for at least two (2) years immediately preceding the date of application or five (5) years of continuous Oklahoma residency during the preceding twenty-five (25) years immediately preceding the date of application. Sufficient documentation of proof of residency shall include a combination of the following:

- a. an unexpired Oklahoma-issued driver license,
- b. an Oklahoma voter identification card,
- c. a utility bill preceding the date of application, excluding cellular telephone and Internet bills,
- d. a residential property deed to property in the State of Oklahoma, and
- e. a rental agreement preceding the date of application for residential property located in the State of Oklahoma;

1        12. All license applicants shall be required to submit a  
2 registration with the Oklahoma State Bureau of Narcotics and  
3 Dangerous Drugs Control as provided in Sections ~~2-202~~ 2-302 through  
4 ~~2-204~~ 2-304 of Title 63 of the Oklahoma Statutes;

5        13. All applicants shall establish their identity through  
6 submission of a color copy or digital image of one of the following  
7 unexpired documents:

- 8            a. front and back of an Oklahoma driver license,
- 9            b. front and back of an Oklahoma identification card,
- 10           c. a United States passport or other photo identification  
11                issued by the United States government,
- 12           d. certified copy of the applicant's birth certificate  
13                for minor applicants who do not possess a document  
14                listed in this section, or
- 15           e. a tribal identification card approved for  
16                identification purposes by the Oklahoma Department of  
17                Public Safety; and

18        14. All applicants shall submit an applicant photograph.

19        F. The Authority shall review the medical marijuana business  
20 application, approve or reject the application and mail the  
21 approval, rejection or status-update letter to the applicant within  
22 ninety (90) days of receipt of the application.

1 G. 1. The Authority shall review the medical marijuana  
2 business applications and conduct all investigations, inspections  
3 and interviews before approving the application.

4 2. Approved applicants shall be issued a medical marijuana  
5 business license for the specific category applied under which shall  
6 act as proof of their approved status. Rejection letters shall  
7 provide a reason for the rejection. Applications may only be  
8 rejected based on the applicant not meeting the standards set forth  
9 in the provisions of this section, improper completion of the  
10 application, or for a reason provided for in this act. If an  
11 application is rejected for failure to provide required information,  
12 the applicant shall have thirty (30) days to submit the required  
13 information for reconsideration. No additional application fee  
14 shall be charged for such reconsideration.

15 3. Status-update letters shall provide a reason for delay in  
16 either approval or rejection should a situation arise in which an  
17 application was submitted properly, but a delay in processing the  
18 application occurred.

19 4. Approval, rejection or status-update letters shall be sent  
20 to the applicant in the same method the application was submitted to  
21 the Department.

22 H. A license provided by this act or by Section 421, 422, 423  
23 or 425 of Title 63 of the Oklahoma Statutes shall not be issued  
24 until all relevant local licenses and permits have been issued by

1 the municipality, including but not limited to an occupancy permit  
2 or certificate of compliance.

3 I. In the event that an applicant has not received the  
4 necessary permits, certificates or licenses from a municipality, but  
5 the applicant has fulfilled all other obligations required by this  
6 act, the Authority shall grant a conditional license. A conditional  
7 license shall remain valid for a period of one (1) year or until the  
8 applicant obtains the necessary local permits, certificates or  
9 licenses. An applicant shall not transfer any medical marijuana,  
10 concentrate or products to a medical marijuana business, patient or  
11 caregiver until approval is received from the Authority.

12 J. A medical marijuana business license shall not be issued to  
13 or 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;  
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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 or

11        7. A person whose authority to be a caregiver as defined in  
12 this act has been revoked by the Department;~~or~~

13 ~~8. A publicly traded company.~~

14        K. In investigating the qualifications of an applicant or a  
15 licensee, the Department, Authority and municipalities may have  
16 access to criminal history record information furnished by a  
17 criminal justice agency subject to any restrictions imposed by such  
18 an agency. In the event the Department considers the criminal  
19 history record of the applicant, the Department shall also consider  
20 any information provided by the applicant regarding such criminal  
21 history record, including but not limited to evidence of  
22 rehabilitation, character references and educational achievements,  
23 especially those items pertaining to the period of time between the  
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1 last criminal conviction of the applicant and the consideration of  
2 the application for a state license.

3 L. The failure of an applicant to provide the requested  
4 information by the Authority deadline may be grounds for denial of  
5 the application.

6 M. All applicants shall submit information to the Department  
7 and Authority in a full, faithful, truthful and fair manner. The  
8 Department and Authority may recommend denial of an application  
9 where the applicant made misstatements, omissions,  
10 misrepresentations or untruths in the application or in connection  
11 with the background investigation of the applicant. This type of  
12 conduct may be considered as the basis for additional administrative  
13 action against the applicant. Typos and scrivener errors shall not  
14 be grounds for denial.

15 N. A licensed medical marijuana business premises shall be  
16 subject to and responsible for compliance with applicable provisions  
17 for medical marijuana business facilities as described in the most  
18 recent versions of the Oklahoma Uniform Building Code, the  
19 International Building Code and the International Fire Code, unless  
20 granted an exemption by the Authority or municipality.

21 O. All medical marijuana business licensees shall pay the  
22 relevant licensure fees prior to receiving licensure to operate a  
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1 medical marijuana business, as defined in this act for each class of  
2 license."

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