

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 1841 By: Paxton of the Senate
3 and
4 Bush of the House
5

6 [medical marijuana - licensure revocation - certain
7 actions - notice -
8 emergency]
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10 AMENDMENT NO. 1. Strike the title, enacting clause, and entire bill
11 and insert:
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13 "An Act relating to medical marijuana; amending 63
14 O.S. 2021, Section 426.1, as last amended by Section
15 3, Chapter 584, O.S.L. 2021, which relates to
16 licensure revocation; authorizing the Oklahoma
17 Medical Marijuana Authority to deny applications or
18 suspend or revoke business licenses for certain
19 violations of laws or regulations; and declaring an
20 emergency.

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

22 SECTION 1. AMENDATORY 63 O.S. 2021, Section 426.1, as
23 last amended by Section 3, Chapter 584, O.S.L. 2021, is amended to
24 read as follows:

1 Section 426.1 A. Except for revocation hearings concerning
2 licensed patients, as defined in Section 427.2 of this title, all
3 licensure revocation hearings conducted pursuant to marijuana
4 licenses established in the Oklahoma Statutes shall be recorded. A
5 party may request a copy of the recording of the proceedings.
6 Copies shall be provided to local law enforcement if the revocation
7 was based on alleged criminal activity.

8 B. The State Department of Health shall assist any law
9 enforcement officer in the performance of his or her duties upon
10 such request by the law enforcement officer or the request of other
11 local officials having jurisdiction. Except for license information
12 concerning licensed patients, as defined in Section 427.2 of this
13 title, the Department shall share information with law enforcement
14 agencies upon request without a subpoena or search warrant.

15 C. The State Department of Health shall make available all
16 information displayed on medical marijuana licenses, as well as
17 whether the license is valid, to law enforcement electronically
18 through the Oklahoma Law Enforcement Telecommunications System.

19 D. The Department shall make available to political
20 subdivisions a list of marijuana-licensed premises, medical
21 marijuana businesses or any other premises where marijuana or its
22 by-products are licensed to be cultivated, grown, processed, stored
23 or manufactured to aid county and municipal governments in
24

1 identifying locations within their jurisdiction and ensure
2 compliance with local regulations.

3 E. 1. All marijuana-licensed premises, medical marijuana
4 businesses or any other premises where marijuana or its by-products
5 are licensed to be cultivated, grown, processed, stored or
6 manufactured shall submit with their application, after notifying
7 the political subdivision of their intent, a certificate of
8 compliance from the political subdivision where the facility of the
9 applicant or use is to be located certifying compliance with zoning
10 classifications, applicable municipal ordinances and all applicable
11 safety, electrical, fire, plumbing, waste, construction and building
12 specification codes.

13 2. Beginning on ~~the effective date of this act~~ May 28, 2021,
14 upon the initial request for renewal or transfer of a retail
15 marijuana dispensary license, a municipal government may object to
16 the continued licensure of the medical marijuana dispensary if the
17 municipal government determines it is operating contrary to the
18 required setback distance from a school including the error in
19 measurement allowance authorized by Section 425 of this title.

20 3. To prevent the granting of the grandfather provisions of
21 Section 425 of this title as a matter of law, the municipal
22 government shall provide the following documentation prior to the
23 initial renewal or transfer of a license:

24

- 1 a. a municipal resolution finding that the marijuana
2 dispensary is located within the prohibited setback
3 distance from a school that was openly in existence in
4 such a way that the public generally would have known
5 of the school's existence and operation in that
6 location prior to the original marijuana dispensary
7 being licensed. For purposes of this subparagraph,
8 "openly in existence" means any building, location or
9 structure on a school site that has visible outward
10 markings indicating the building, location or
11 structure was operating as a school which would serve
12 as sufficient notice of the existence of the school or
13 a reason for further inquiry on the part of the
14 marijuana dispensary license applicant. "Openly in
15 existence" shall not mean any school that operated
16 secretly or discreetly without any signs or other
17 markings on any building, location or structure on the
18 school site, undeveloped land or a structure owned by
19 a school that was not openly used and marked as a
20 school site, or any school site that was established
21 after the marijuana dispensary had been established
22 and licensed by the Authority, and
- 23 b. documentation of the measured distance from the school
24 to the marijuana dispensary utilizing the method for

1 determining the setback distance less any allowable
2 error in measurement calculated and remeasured on and
3 after ~~the effective date of this act~~ May 28, 2021, as
4 authorized by Section 425 of this title.

5 4. Prior to initial renewal or transfer of a license and upon
6 receipt of documentation required by paragraph 3 of this subsection,
7 if the Authority determines that the medical marijuana dispensary is
8 operating contrary to the required setback distance from a school
9 including the error in measurement allowance authorized by Section
10 425 of this title, the Authority may deny the renewal or transfer of
11 the medical marijuana dispensary license and shall cause the license
12 to be revoked.

13 5. For purposes of this subsection, "school" means the same as
14 defined in Section 427.2 of this title.

15 F. After a final determination by the applicable entity, the
16 Oklahoma Medical Marijuana Authority may deny an application or
17 suspend or revoke a medical marijuana business license due to any
18 violation of state law, any violations of a regulation applicable to
19 the operation of a medical marijuana business including those
20 adopted or enforced by any state agency including, but not limited
21 to, the Department of Environmental Quality, the Oklahoma Water
22 Resources Board, the Oklahoma Department of Agriculture, Food, and
23 Forestry, the Corporation Commission, or any other agency or
24 commission of this state, or any local ordinance or regulation

1 applicable to a medical marijuana business or inaccurate reporting
2 or disclosures to municipal governments.

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

7 Passed the House of Representatives the 27th day of April, 2022.

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10 _____
11 Presiding Officer of the House of
Representatives

12 Passed the Senate the ____ day of _____, 2022.

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16 Presiding Officer of the Senate

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1 ENGROSSED SENATE
2 BILL NO. 1841

By: Paxton of the Senate

3 and

4 Bush of the House

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6 [medical marijuana - licensure revocation - certain
7 actions - notice - emergency]

8
9 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

10 SECTION 3. AMENDATORY 63 O.S. 2021, Section 426.1, as
11 last amended by Section 3, Chapter 584, O.S.L. 2021, is amended to
12 read as follows:

13 Section 426.1. A. Except for revocation hearings concerning
14 licensed patients, as defined in Section 427.2 of this title, all
15 licensure revocation hearings conducted pursuant to marijuana
16 licenses established in the Oklahoma Statutes shall be recorded. A
17 party may request a copy of the recording of the proceedings.
18 Copies shall be provided to local law enforcement if the revocation
19 was based on alleged criminal activity.

20 B. The State Department of Health shall assist any law
21 enforcement officer in the performance of his or her duties upon
22 such request by the law enforcement officer or the request of other
23 local officials having jurisdiction. Except for license information
24 concerning licensed patients, as defined in Section 427.2 of this

1 title, the Department shall share information with law enforcement
2 agencies upon request without a subpoena or search warrant.

3 C. The State Department of Health shall make available all
4 information displayed on medical marijuana licenses, as well as
5 whether the license is valid, to law enforcement electronically
6 through the Oklahoma Law Enforcement Telecommunications System.

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8 subdivisions a list of marijuana-licensed premises, medical
9 marijuana businesses or any other premises where marijuana or its
10 by-products are licensed to be cultivated, grown, processed, stored
11 or manufactured to aid county and municipal governments in
12 identifying locations within their jurisdiction and ensure
13 compliance with local regulations.

14 E. 1. All marijuana-licensed premises, medical marijuana
15 businesses or any other premises where marijuana or its by-products
16 are licensed to be cultivated, grown, processed, stored or
17 manufactured shall submit with their application, after notifying
18 the political subdivision of their intent, a certificate of
19 compliance from the political subdivision where the facility of the
20 applicant or use is to be located certifying compliance with zoning
21 classifications, applicable municipal ordinances and all applicable
22 safety, electrical, fire, plumbing, waste, construction and building
23 specification codes.

1 2. Beginning on ~~the effective date of this act~~ May 28, 2021,
2 upon the initial request for renewal or transfer of a retail
3 marijuana dispensary license, a municipal government may object to
4 the continued licensure of the medical marijuana dispensary if the
5 municipal government determines it is operating contrary to the
6 required setback distance from a school including the error in
7 measurement allowance authorized by Section 425 of this title.

8 3. To prevent the granting of the grandfather provisions of
9 Section 425 of this title as a matter of law, the municipal
10 government shall provide the following documentation prior to the
11 initial renewal or transfer of a license:

- 12 a. a municipal resolution finding that the marijuana
13 dispensary is located within the prohibited setback
14 distance from a school that was openly in existence in
15 such a way that the public generally would have known
16 of the school's existence and operation in that
17 location prior to the original marijuana dispensary
18 being licensed. For purposes of this subparagraph,
19 "openly in existence" means any building, location or
20 structure on a school site that has visible outward
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24 a reason for further inquiry on the part of the

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5 school site, undeveloped land or a structure owned by
6 a school that was not openly used and marked as a
7 school site, or any school site that was established
8 after the marijuana dispensary had been established
9 and licensed by the Authority, and

10 b. documentation of the measured distance from the school
11 to the marijuana dispensary utilizing the method for
12 determining the setback distance less any allowable
13 error in measurement calculated and remeasured on and
14 after ~~the effective date of this act~~ May 28, 2021, as
15 authorized by Section 425 of this title.

16 4. Prior to initial renewal or transfer of a license and upon
17 receipt of documentation required by paragraph 3 of this subsection,
18 if the Authority determines that the medical marijuana dispensary is
19 operating contrary to the required setback distance from a school
20 including the error in measurement allowance authorized by Section
21 425 of this title, the Authority may deny the renewal or transfer of
22 the medical marijuana dispensary license and shall cause the license
23 to be revoked.

1 5. For purposes of this subsection, "school" means the same as
2 defined in Section 427.2 of this title.

3 F. The Oklahoma Medical Marijuana Authority shall deny an
4 application or suspend or revoke a medical marijuana business
5 license due to any violation of state law, any violations of a
6 regulation applicable to the business including those adopted or
7 enforced by any state agency including, but not limited to, the
8 Department of Environmental Quality, the Oklahoma Water Resources
9 Board, the Oklahoma Department of Agriculture, Food, and Forestry,
10 the Corporation Commission, or any other agency or commission of
11 this state, or any local ordinance or regulation applicable to a
12 medical marijuana business or inaccurate reporting or disclosures to
13 municipal governments. Upon receipt of a notice of violation, the
14 Authority shall give a medical marijuana business license holder
15 thirty (30) days to resolve the violation. If the violation is not
16 resolved within the thirty (30) days, the Authority shall take
17 action pursuant to this subsection.

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

