

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

SPEAKER:

CHAIR:

I move to amend HB4102 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by  
inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Amendment submitted by: Avery Frix

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

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

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

PROPOSED COMMITTEE  
SUBSTITUTE  
FOR  
HOUSE BILL NO. 4102

By: Frix

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to medical marijuana; amending 63 O.S. 2021, Section 421, which relates to licensing requirements for medical marijuana dispensaries; providing exception to certain restriction on retail sales of marijuana; amending 63 O.S. 2021, Sections 427.2 and 427.14, which relate to the Oklahoma Medical Marijuana and Patient Protection Act; modifying definitions; creating licenses for portable medical marijuana dispensaries; stating license and renewal fees; providing requirements for obtaining license; and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 2021, Section 421, is amended to read as follows:

Section 421. A. The State Department of Health shall, within thirty (30) days of passage of this initiative, make available on its website in an easy-to-find location an application for a medical marijuana dispensary license. The application fee shall be Two Thousand Five Hundred Dollars (\$2,500.00). A method of payment shall be provided on the website of the Department. Dispensary

1 applicants must all be residents of Oklahoma. Any entity applying  
2 for a dispensary license must be owned by an Oklahoma resident and  
3 must be registered to do business in Oklahoma. The Department shall  
4 have ninety (90) business days to review the application; approve,  
5 reject or deny the application; and mail the approval, rejection or  
6 denial letter stating reasons for the rejection or denial to the  
7 applicant.

8 B. The State Department of Health shall approve all  
9 applications which meet the following criteria:

10 1. The applicant must be twenty-five (25) years of age or  
11 older;

12 2. The applicant, if applying as an individual, must show  
13 residency in the State of Oklahoma;

14 3. All applying entities must show that all members, managers,  
15 and board members are Oklahoma residents;

16 4. An applying entity may show ownership of non-Oklahoma  
17 residents, but that percentage ownership may not exceed twenty-five  
18 percent (25%);

19 5. All applying individuals or entities must be registered to  
20 conduct business in the State of Oklahoma; and

21 6. All applicants must disclose all ownership interests in the  
22 dispensary.

23 Applicants with a nonviolent felony conviction in the last two  
24 (2) years, any other felony conviction in the last five (5) years,

1 inmates in the custody of the Department of Corrections or any  
2 person currently incarcerated shall not qualify for a medical  
3 marijuana dispensary license.

4 C. Licensed medical marijuana dispensaries shall be required to  
5 complete a monthly sales report to the State Department of Health.  
6 This report shall be due on the fifteenth of each month and provide  
7 reporting on the previous month. This report shall detail the  
8 weight of marijuana purchased at wholesale and the weight of  
9 marijuana sold to licensed medical marijuana patients and licensed  
10 caregivers and account for any waste. The report shall show total  
11 sales in dollars, tax collected in dollars, and tax due in dollars.  
12 The State Department of Health shall have oversight and auditing  
13 responsibilities to ensure that all marijuana being grown is  
14 accounted for.

15 D. Only a licensed medical marijuana dispensary or portable  
16 medical marijuana dispensary may conduct retail sales of marijuana  
17 or marijuana derivatives. Beginning on the effective date of this  
18 act, licensed medical marijuana dispensaries and portable medical  
19 marijuana dispensaries shall be authorized to package and sell pre-  
20 rolled marijuana to licensed medical marijuana patients and licensed  
21 caregivers. The products described in this subsection shall contain  
22 only the ground parts of the marijuana plant and shall not include  
23 marijuana concentrates or derivatives. The total net weight of each  
24 pre-roll packaged and sold by a medical marijuana dispensary shall

1 not exceed one (1) gram. These products shall be tested, packaged  
2 and labeled in accordance with Oklahoma law and rules promulgated by  
3 the State Commissioner of Health.

4 E. No medical marijuana dispensary or portable medical  
5 marijuana dispensary shall offer or allow a medical marijuana  
6 patient licensee, caregiver licensee or other member of the public  
7 to handle or otherwise have physical contact with any medical  
8 marijuana not contained in a sealed or separate package. Provided,  
9 such prohibition shall not preclude an employee of the medical  
10 marijuana dispensary or portable medical marijuana dispensary from  
11 handling loose or nonpackaged medical marijuana to be placed in  
12 packaging consistent with the Oklahoma Medical Marijuana and Patient  
13 Protection Act and the rules promulgated by the Authority for the  
14 packaging of medical marijuana for retail sale. Provided, further,  
15 such prohibition shall not prevent a medical marijuana dispensary or  
16 portable medical marijuana dispensary from displaying samples of its  
17 medical marijuana in separate display cases, jars or other  
18 containers and allowing medical marijuana patient licensees and  
19 caregiver licensees the ability to handle or smell the various  
20 samples as long as the sample medical marijuana is used for display  
21 purposes only and is not offered for retail sale.

22 SECTION 2. AMENDATORY 63 O.S. 2021, Section 427.2, is  
23 amended to read as follows:  
24

1       Section 427.2 As used in the Oklahoma Medical Marijuana and  
2 Patient Protection Act:

3       1. "Advertising" means the act of providing consideration for  
4 the publication, dissemination, solicitation, or circulation, of  
5 visual, oral, or written communication to induce directly or  
6 indirectly any person to patronize a particular medical marijuana  
7 business, or to purchase particular medical marijuana or a medical  
8 marijuana product. Advertising includes marketing, but does not  
9 include packaging and labeling;

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

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

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

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

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

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

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

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

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

21          12.   "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. "Dispensary" means a medical marijuana dispensary, an  
4 entity that has been licensed by the Department pursuant to the  
5 Oklahoma Medical Marijuana and Patient Protection Act to purchase  
6 medical marijuana or medical marijuana products from a licensed  
7 medical marijuana commercial grower or licensed medical marijuana  
8 processor, to prepare and package noninfused pre-rolled medical  
9 marijuana, and to sell medical marijuana or medical marijuana  
10 products to licensed patients and caregivers as defined in this  
11 section, or sell or transfer products to another licensed  
12 dispensary. The term dispensary shall include traditional brick-  
13 and-mortar dispensaries serving customers in a permanently fixed  
14 building and portable dispensaries that are designed and built to be  
15 lifted and moved to different locations;

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

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

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



1 harvested and used for consumption 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. "Harvest batch" means a specifically identified quantity of  
12 medical marijuana that is uniform in strain, cultivated utilizing  
13 the same cultivation practices, harvested at the same time from the  
14 same location and cured under uniform conditions;

15 20. "Harvested marijuana" means postflowering medical marijuana  
16 not including trim, concentrate or waste;

17 21. "Heat- or pressure-based medical marijuana concentrate"  
18 means a medical marijuana concentrate that was produced by  
19 extracting cannabinoids from medical marijuana through the use of  
20 heat or pressure;

21 22. "Immature plant" means a nonflowering marijuana plant that  
22 has not demonstrated signs of flowering;

23 23. "Inventory tracking system" means the required tracking  
24 system that accounts for the entire life span of medical marijuana

1 and medical marijuana products, including any testing samples  
2 thereof and medical marijuana waste;

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

6 25. "Licensed premises" means the premises specified in an  
7 application for a medical marijuana business license, medical  
8 marijuana research facility license or medical marijuana education  
9 facility license pursuant to the Oklahoma Medical Marijuana and  
10 Patient Protection Act that are owned or in possession of the  
11 licensee and within which the licensee is authorized to cultivate,  
12 manufacture, distribute, sell, store, transport, test or research  
13 medical marijuana or medical marijuana products in accordance with  
14 the provisions of the Oklahoma Medical Marijuana and Patient  
15 Protection Act and rules promulgated pursuant thereto;

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

22 27. "Marijuana" shall have the same meaning as such term is  
23 defined in Section 2-101 of this title;

1       28. "Material change" means any change that would affect the  
2 qualifications for licensure of an applicant or licensee;

3       29. "Mature plant" means a harvestable female marijuana plant  
4 that is flowering;

5       30. "Medical marijuana business (MMB)" means a licensed medical  
6 marijuana dispensary, portable medical marijuana dispensary, medical  
7 marijuana processor, medical marijuana commercial grower, medical  
8 marijuana laboratory, medical marijuana business operator or a  
9 medical marijuana transporter;

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

17       32. "Medical marijuana commercial grower" or "commercial  
18 grower" means an entity licensed to cultivate, prepare and package  
19 medical marijuana or package medical marijuana as pre-rolls, and  
20 transfer or contract for transfer medical marijuana and medical  
21 marijuana pre-rolls to a medical marijuana dispensary, medical  
22 marijuana processor, any other medical marijuana commercial grower,  
23 medical marijuana research facility or medical marijuana education  
24 facility. A commercial grower may sell seeds, flower or clones to

1 commercial growers pursuant to the Oklahoma Medical Marijuana and  
2 Patient Protection Act;

3 33. "Medical marijuana education facility" or "education  
4 facility" means a person or entity approved pursuant to the Oklahoma  
5 Medical Marijuana and Patient Protection Act to operate a facility  
6 providing training and education to individuals involving the  
7 cultivation, growing, harvesting, curing, preparing, packaging or  
8 testing of medical marijuana, or the production, manufacture,  
9 extraction, processing, packaging or creation of medical-marijuana-  
10 infused products or medical marijuana products as described in the  
11 Oklahoma Medical Marijuana and Patient Protection Act;

12 34. "Medical-marijuana-infused product" means a product infused  
13 with medical marijuana including, but not limited to, edible  
14 products, ointments and tinctures;

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

23 36. "Medical marijuana processor" means a person or entity  
24 licensed pursuant to the Oklahoma Medical Marijuana and Patient

1 Protection Act to operate a business including the production,  
2 manufacture, extraction, processing, packaging or creation of  
3 concentrate, medical-marijuana-infused products or medical marijuana  
4 products as described in the Oklahoma Medical Marijuana and Patient  
5 Protection Act;

6 37. "Medical marijuana research facility" or "research  
7 facility" means a person or entity approved pursuant to the Oklahoma  
8 Medical Marijuana and Patient Protection Act to conduct medical  
9 marijuana research. A medical marijuana research facility is not a  
10 medical marijuana business;

11 38. "Medical marijuana testing laboratory" or "laboratory"  
12 means a public or private laboratory licensed pursuant to the  
13 Oklahoma Medical Marijuana and Patient Protection Act to conduct  
14 testing and research on medical marijuana and medical marijuana  
15 products;

16 39. "Medical marijuana transporter" or "transporter" means a  
17 person or entity that is licensed pursuant to the Oklahoma Medical  
18 Marijuana and Patient Protection Act. A medical marijuana  
19 transporter does not include a medical marijuana business that  
20 transports its own medical marijuana, medical marijuana concentrate  
21 or medical marijuana products to a property or facility adjacent to  
22 or connected to the licensed premises if the property is another  
23 licensed premises of the same medical marijuana business;

1       40. "Medical marijuana waste" or "waste" means unused, surplus,  
2 returned or out-of-date marijuana, plant debris of the plant of the  
3 genus Cannabis including dead plants and all unused plant parts and  
4 roots, except the term shall not include roots, stems, stalks and  
5 fan leaves;

6       41. "Medical use" means the acquisition, possession, use,  
7 delivery, transfer or transportation of medical marijuana, medical  
8 marijuana products, medical marijuana devices or paraphernalia  
9 relating to the administration of medical marijuana to treat a  
10 licensed patient;

11       42. "Mother plant" means a marijuana plant that is grown or  
12 maintained for the purpose of generating clones, and that will not  
13 be used to produce plant material for sale to a medical marijuana  
14 processor or medical marijuana dispensary;

15       43. "Oklahoma physician" or "physician" means a physician  
16 licensed by and in good standing with the State Board of Medical  
17 Licensure and Supervision, the State Board of Osteopathic Examiners  
18 or the Board of Podiatric Medical Examiners;

19       44. "Oklahoma resident" means an individual who can provide  
20 proof of residency as required by the Oklahoma Medical Marijuana and  
21 Patient Protection Act;

22       45. "Owner" means, except where the context otherwise requires,  
23 a direct beneficial owner including, but not limited to, all persons  
24 or entities as follows:

- a. all shareholders owning an interest of a corporate entity and all officers of a corporate entity,
- b. all partners of a general partnership,
- c. all general partners and all limited partners that own an interest in a limited partnership,
- d. all members that own an interest in a limited liability company,
- e. all beneficiaries that hold a beneficial interest in a trust and all trustees of a trust,
- f. all persons or entities that own interest in a joint venture,
- g. all persons or entities that own an interest in an association,
- h. the owners of any other type of legal entity, and
- i. any other person holding an interest or convertible note in any entity which owns, operates or manages a licensed facility;

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

47. "Person" means a natural person, partnership, association, business trust, company, corporation, estate, limited liability company, trust or any other legal entity or organization, or a manager, agent, owner, director, servant, officer or employee

1   thereof, except that "person" does not include any governmental  
2   organization;

3       48.   "Pesticide" means any substance or mixture of substances  
4   intended for preventing, destroying, repelling or mitigating any  
5   pest or any substance or mixture of substances intended for use as a  
6   plant regulator, defoliant or desiccant, except that the term  
7   "pesticide" shall not include any article that is a "new animal  
8   drug" as designated by the United States Food and Drug  
9   Administration;

10       49.   "Production batch" means:

11           a.   any amount of medical marijuana concentrate of the  
12                same category and produced using the same extraction  
13                methods, standard operating procedures and an  
14                identical group of harvest batch of medical marijuana,  
15                or

16           b.   any amount of medical marijuana product of the same  
17                exact type, produced using the same ingredients,  
18                standard operating procedures and the same production  
19                batch of medical marijuana concentrate;

20       50.   "Public institution" means any entity established or  
21   controlled by the federal government, state government, or a local  
22   government or municipality including, but not limited to,  
23   institutions of higher education or related research institutions;

24



1        51. "Public money" means any funds or money obtained by the  
2 holder from any governmental entity including, but not limited to,  
3 research grants;

4        52. "Recommendation" means a document that is signed or  
5 electronically submitted by a physician on behalf of a patient for  
6 the use of medical marijuana pursuant to the Oklahoma Medical  
7 Marijuana and Patient Protection Act;

8        53. "Registered to conduct business" means a person that has  
9 provided proof that the business applicant or licensee is in good  
10 standing with the Oklahoma Secretary of State;

11       54. "Remediation" means the process by which a harvest batch or  
12 production batch that fails testing undergoes a procedure to remedy  
13 the harvest batch or production batch and is retested in accordance  
14 with Oklahoma laws, rules and regulations;

15       55. "Research project" means a discrete scientific endeavor to  
16 answer a research question or a set of research questions related to  
17 medical marijuana and is required for a medical marijuana research  
18 license. A research project shall include a description of a  
19 defined protocol, clearly articulated goals, defined methods and  
20 outputs, and a defined start and end date. The description shall  
21 demonstrate that the research project will comply with all  
22 requirements in the Oklahoma Medical Marijuana and Patient  
23 Protection Act and rules promulgated pursuant thereto. All research  
24

1 and development conducted by a medical marijuana research facility  
2 shall be conducted in furtherance of an approved research project;

3 56. "Revocation" means the final decision by the Department  
4 that any license issued pursuant to the Oklahoma Medical Marijuana  
5 and Patient Protection Act is rescinded because the individual or  
6 entity does not comply with the applicable requirements set forth in  
7 the Oklahoma Medical Marijuana and Patient Protection Act or rules  
8 promulgated pursuant thereto;

9 57. "School" means a public or private elementary, middle or  
10 high school used for school classes and instruction. A homeschool,  
11 daycare or child-care facility shall not be considered a "school" as  
12 used in the Oklahoma Medical Marijuana and Patient Protection Act;

13 58. "Shipping container" means a hard-sided container with a  
14 lid or other enclosure that can be secured in place. A shipping  
15 container is used solely for the transport of medical marijuana,  
16 medical marijuana concentrate, or medical marijuana products between  
17 medical marijuana businesses, a medical marijuana research facility,  
18 or a medical marijuana education facility;

19 59. "Solvent-based medical marijuana concentrate" means a  
20 medical marijuana concentrate that was produced by extracting  
21 cannabinoids from medical marijuana through the use of a solvent  
22 approved by the Department;

1       60. "State Question" means Oklahoma State Question No. 788,  
2 Initiative Petition No. 412, approved by a majority vote of the  
3 citizens of Oklahoma on June 26, 2018;

4       61. "Strain" means the name given to a particular variety of  
5 medical marijuana that is based on a combination of factors which  
6 may include, but is not limited to, botanical lineage, appearance,  
7 chemical profile and accompanying effects. An example of a "strain"  
8 would be "OG Kush" or "Pineapple Express";

9       62. "THC" means tetrahydrocannabinol, which is the primary  
10 psychotropic cannabinoid in marijuana formed by decarboxylation of  
11 naturally tetrahydrocannabinolic acid, which generally occurs by  
12 exposure to heat;

13       63. "Transporter agent" means a person who transports medical  
14 marijuana or medical marijuana products as an employee of a licensed  
15 medical marijuana business and holds a transporter agent license  
16 specific to that business pursuant to the Oklahoma Medical Marijuana  
17 and Patient Protection Act;

18       64. "Universal symbol" means the image established by the State  
19 Department of Health or Oklahoma Medical Marijuana Authority and  
20 made available to licensees through its website indicating that the  
21 medical marijuana or the medical marijuana product contains THC;

22       65. "Usable marijuana" means the dried leaves, flowers, oils,  
23 vapors, waxes and other portions of the marijuana plant and any  
24

1 mixture or preparation thereof, excluding seeds, roots, stems,  
2 stalks and fan leaves; and

3 66. "Water-based medical marijuana concentrate" means a  
4 concentrate that was produced by extracting cannabinoids from  
5 medical marijuana through the use of only water, ice or dry ice.

6 SECTION 3. AMENDATORY 63 O.S. 2021, Section 427.14, is  
7 amended to read as follows:

8 Section 427.14 A. There is hereby created the medical  
9 marijuana business license, which shall include the following  
10 categories:

- 11 1. Medical marijuana commercial grower;
- 12 2. Medical marijuana processor;
- 13 3. Medical marijuana dispensary;
- 14 4. Medical marijuana transporter; ~~and~~
- 15 5. Medical marijuana testing laboratory; and
- 16 6. Portable medical marijuana dispensary.

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

20 C. The Authority shall make available on its website in an  
21 easy-to-find location, applications for a medical marijuana  
22 business.

23 D. ~~The~~ 1. Except as provided for in paragraph 2 of this  
24 subsection, the annual, nonrefundable application fee for a medical

1 marijuana business license shall be Two Thousand Five Hundred  
2 Dollars (\$2,500.00).

3 2. The initial, nonrefundable application fee for a portable  
4 medical marijuana dispensary license shall be Twenty-five Thousand  
5 Dollars (\$25,000.00) with a yearly renewal fee of Five Thousand  
6 Dollars (\$5,000.00). There shall be no more than ten portable  
7 medical marijuana dispensary licenses approved and issued at any one  
8 time by the Authority. As a condition of licensure, applicants  
9 shall provide proof of ownership to the Authority of no less than  
10 five portable medical marijuana dispensaries. The applicant shall  
11 allow the Authority access to the portable medical marijuana  
12 dispensaries to inspect the equipment and ensure that each portable  
13 unit is not motorized or self-propelled and does not have wheels or  
14 axles. Each portable unit shall be equipped with, at a minimum, the  
15 following:

- 16 a. a bank-rated bulletproof window with a minimum Level 1  
17 UL rating,
- 18 b. steel security doors,
- 19 c. a safe room,
- 20 d. generator capabilities, and
- 21 e. an external steel structure.

22 3. Applicants who are issued a portable medical marijuana  
23 dispensary license shall also be authorized to erect a tent or other  
24 nonrigid shelter or designate a specific area as a temporary medical

1 marijuana consumption lounge immediately adjacent to or within two  
2 hundred (200) feet from the portable medical marijuana dispensary.

3 4. Applicants who are issued a portable medical marijuana  
4 dispensary license shall be authorized to operate multiple portable  
5 medical marijuana dispensaries at different locations throughout the  
6 state at any one time; provided, the necessary permits have been  
7 obtained from the counties or municipalities where the portable  
8 medical marijuana dispensaries will be temporarily situated.

9 E. All applicants seeking licensure or licensure renewal as a  
10 medical marijuana business shall comply with the following general  
11 requirements:

12 1. All applications for licenses and registrations authorized  
13 pursuant to this section shall be made upon forms prescribed by the  
14 Authority;

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

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

20 4. All applications shall be complete and accurate in every  
21 detail;

22 5. All applications shall include all attachments or  
23 supplemental information required by the forms supplied by the  
24 Authority;

1       6. All applications shall be accompanied by a full remittance  
2 for the whole amount of the application fees. Application fees are  
3 nonrefundable;

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

- 6           a. twenty-five (25) years of age or older,
- 7           b. if applying as an individual, proof that the applicant  
8           is an Oklahoma resident pursuant to paragraph 11 of  
9           this subsection,
- 10          c. if applying as an entity, proof that seventy-five  
11          percent (75%) of all members, managers, executive  
12          officers, partners, board members or any other form of  
13          business ownership are Oklahoma residents pursuant to  
14          paragraph 11 of this subsection,
- 15          d. if applying as an individual or entity, proof that the  
16          individual or entity is registered to conduct business  
17          in the State of Oklahoma,
- 18          e. disclosure of all ownership interests pursuant to the  
19          Oklahoma Medical Marijuana and Patient Protection Act,  
20          and
- 21          f. proof that the medical marijuana business, medical  
22          marijuana research facility, medical marijuana  
23          education facility and medical marijuana waste  
24          disposal facility applicant or licensee has not been

1 convicted of a nonviolent felony in the last two (2)  
2 years, or any other felony conviction within the last  
3 five (5) years, is not a current inmate in the custody  
4 of the Department of Corrections, or currently  
5 incarcerated in a jail or corrections facility;

6 8. ~~There~~ Except as provided in paragraph 2 of subsection D of  
7 this section, there shall be no limit to the number of medical  
8 marijuana business licenses or categories that an individual or  
9 entity can apply for or receive, although each application and each  
10 category shall require a separate application and application fee.  
11 A commercial grower, processor and dispensary, or any combination  
12 thereof, are authorized to share the same address or physical  
13 location, subject to the restrictions set forth in the Oklahoma  
14 Medical Marijuana and Patient Protection Act;

15 9. All applicants for a medical marijuana business license,  
16 research facility license or education facility license authorized  
17 by the Oklahoma Medical Marijuana and Patient Protection Act, or for  
18 a renewal of such license, shall undergo an Oklahoma criminal  
19 history background check conducted by the Oklahoma State Bureau of  
20 Investigation (OSBI) within thirty (30) days prior to the  
21 application for the license, including:

- 22 a. individual applicants applying on their own behalf,
- 23 b. individuals applying on behalf of an entity,
- 24 c. all principal officers of an entity, and



1           d.    all owners of an entity as defined by the Oklahoma  
2                Medical Marijuana and Patient Protection Act;

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

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

- 14           a.    an unexpired Oklahoma-issued driver license,
- 15           b.    an Oklahoma identification card,
- 16           c.    a utility bill preceding the date of application,  
17                excluding cellular telephone and Internet bills,
- 18           d.    a residential property deed to property in the State  
19                of Oklahoma, and
- 20           e.    a rental agreement preceding the date of application  
21                for residential property located in the State of  
22                Oklahoma.

1 Applicants that were issued a medical marijuana business license  
2 prior to August 30, 2019, are hereby exempt from the two-year or  
3 five-year Oklahoma residence requirement mentioned above;

4 12. All license applicants shall be required to submit a  
5 registration with the Oklahoma State Bureau of Narcotics and  
6 Dangerous Drugs Control as provided in Sections 2-302 through 2-304  
7 of this title;

8 13. All applicants shall establish their identity through  
9 submission of a color copy or digital image of one of the following  
10 unexpired documents:

- 11 a. front of an Oklahoma driver license,
- 12 b. front of an Oklahoma identification card,
- 13 c. a United States passport or other photo identification  
14 issued by the United States government, or
- 15 d. 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, reject or deny the application; and mail the  
21 approval, rejection, denial or status-update letter to the applicant  
22 within ninety (90) business days of receipt of the application.  
23  
24

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  
6 shall act as proof of their approved status. Rejection and denial  
7 letters shall provide a reason for the rejection or denial.  
8 Applications may only be rejected or denied based on the applicant  
9 not meeting the standards set forth in the provisions of the  
10 Oklahoma Medical Marijuana and Patient Protection Act and Sections  
11 420 through 426.1 of this title, improper completion of the  
12 application, or for a reason provided for in the Oklahoma Medical  
13 Marijuana and Patient Protection Act and Sections 420 through 426.1  
14 of this title. If an application is rejected for failure to provide  
15 required information, the applicant shall have thirty (30) days to  
16 submit the required information for reconsideration. No additional  
17 application fee shall be charged for such reconsideration. Unless  
18 the Department determines otherwise, an application that has been  
19 resubmitted but is still incomplete or contains errors that are not  
20 clerical or typographical in nature shall be denied.

21       3. Status-update letters shall provide a reason for delay in  
22 either approval, rejection or denial should a situation arise in  
23 which an application was submitted properly but a delay in  
24 processing the application occurred.

1       4. Approval, rejection, denial or status-update letters shall  
2 be sent to the applicant in the same method the application was  
3 submitted to the Department.

4       H. A license for a medical marijuana business, medical  
5 marijuana research facility, medical marijuana education facility or  
6 medical marijuana waste disposal facility shall not be issued to or  
7 held by:

8       1. A person until all required fees have been paid;

9       2. A person who has been convicted of a nonviolent felony  
10 within two (2) years of the date of application, or within five (5)  
11 years for any other felony;

12       3. A corporation, if the criminal history of any of its  
13 officers, directors or stockholders indicates that the officer,  
14 director or stockholder has been convicted of a nonviolent felony  
15 within two (2) years of the date of application, or within five (5)  
16 years for any other felony;

17       4. A person under twenty-five (25) years of age;

18       5. A person licensed pursuant to this section who, during a  
19 period of licensure, or who, at the time of application, has failed  
20 to:

21           a. file taxes, interest or penalties due related to a  
22               medical marijuana business, or

23           b. pay taxes, interest or penalties due related to a  
24               medical marijuana business;

- 1        6. A sheriff, deputy sheriff, police officer or prosecuting  
2 officer, or an officer or employee of the Authority or municipality;
- 3        7. A person whose authority to be a caregiver, as defined in  
4 Section 427.2 of this title, has been revoked by the Department; or
- 5        8. A person who was involved in the management or operations of  
6 any medical marijuana business, medical marijuana research facility,  
7 medical marijuana education facility or medical marijuana waste  
8 disposal facility that, after the initiation of a disciplinary  
9 action, has had a medical marijuana license revoked, not renewed, or  
10 surrendered during the five (5) years preceding submission of the  
11 application and for the following violations:
- 12            a. unlawful sales or purchases,
  - 13            b. any fraudulent acts, falsification of records or  
14                misrepresentation to the Authority, medical marijuana  
15                patient licensees, caregiver licensees or medical  
16                marijuana business licensees,
  - 17            c. any grossly inaccurate or fraudulent reporting,
  - 18            d. threatening or harming any medical marijuana patient,  
19                caregiver, medical practitioner or employee of the  
20                Department,
  - 21            e. knowingly or intentionally refusing to permit the  
22                Department access to premises or records,
  - 23            f. using a prohibited, hazardous substance for processing  
24                in a residential area,

1           g.     criminal acts relating to the operation of a medical  
2                 marijuana business, or

3           h.     any violations that endanger public health and safety  
4                 or product safety.

5           I.    In investigating the qualifications of an applicant or a  
6     licensee, the Department, Authority and municipalities may have  
7     access to criminal history record information furnished by a  
8     criminal justice agency subject to any restrictions imposed by such  
9     an agency.

10          J.    The failure of an applicant or licensee to provide the  
11     requested information by the Authority deadline may be grounds for  
12     denial of the application.

13          K.    All applicants and licensees shall submit information to the  
14     Department and Authority in a full, faithful, truthful and fair  
15     manner. The Department and Authority may recommend denial of an  
16     application where the applicant or licensee made misstatements,  
17     omissions, misrepresentations or untruths in the application or in  
18     connection with the background investigation of the applicant. This  
19     type of conduct may be grounds for administrative action against the  
20     applicant or licensee. Typos and scrivener errors shall not be  
21     grounds for denial.

22          L.    A licensed medical marijuana business premises shall be  
23     subject to and responsible for compliance with applicable provisions  
24     consistent with the zoning where such business is located as

described in the most recent versions of the Oklahoma Uniform Building Code, the International Building Code and the International Fire Code, unless granted an exemption by a municipality or appropriate code enforcement entity.

M. All medical marijuana business, medical marijuana research facility, medical marijuana education facility and medical marijuana waste disposal facility licensees shall pay the relevant licensure fees prior to receiving licensure to operate.

N. A medical marijuana business, medical marijuana research facility, medical marijuana education facility or medical marijuana waste disposal facility that attempts to renew its license after the expiration date of the license shall pay a late renewal fee in an amount to be determined by the Department to reinstate the license. Late renewal fees are nonrefundable. A license that has been expired for more than ninety (90) days shall not be renewed.

O. No medical marijuana business, medical marijuana research facility, medical marijuana education facility or medical marijuana waste disposal facility shall possess, sell or transfer medical marijuana or medical marijuana products without a valid, unexpired license issued by the Department.

SECTION 4. This act shall become effective November 1, 2022.

58-2-10544          GRS          02/15/22