

1 ENGROSSED SENATE
2 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]

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

10 SECTION 1. 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.

7 D. The Department shall make available to political
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
21 markings indicating the building, location or
22 structure was operating as a school which would serve
23 as sufficient notice of the existence of the school or
24 a reason for further inquiry on the part of the

1 marijuana dispensary license applicant. "Openly in
2 existence" shall not mean any school that operated
3 secretly or discreetly without any signs or other
4 markings on any building, location or structure on the
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.
24

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 2. 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.

1 Passed the Senate the 23rd day of March, 2022.

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3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2022.

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8 _____
9 Presiding Officer of the House
10 of Representatives