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AS AMENDED

By: Paxton

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1 concerning licensed patients, as defined in Section 427.2 of this
2 title, the Department shall share information with law enforcement
3 agencies upon request without a subpoena or search warrant.

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

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

15 E. 1. All marijuana-licensed premises, medical marijuana
16 businesses or any other premises where marijuana or its by-products
17 are licensed to be cultivated, grown, processed, stored or
18 manufactured shall submit with their application, after notifying
19 the political subdivision of their intent, a certificate of
20 compliance from the political subdivision where the facility of the
21 applicant or use is to be located certifying compliance with zoning
22 classifications, applicable municipal ordinances and all applicable
23 safety, electrical, fire, plumbing, waste, construction and building
24 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.

22 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
23 February 14, 2022 - DO PASS AS AMENDED
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