

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 HOUSE BILL 3726

By: West (Josh)

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6 AS INTRODUCED

7 An Act relating to medical marijuana; creating the
8 Oklahoma Cap on Medical Marijuana Businesses Act of
9 2022; directing the Oklahoma Medical Marijuana
10 Authority to publicly announce caps on certain
11 medical marijuana business licenses; providing
12 procedures for determining amount of licenses;
13 providing application requirements for medical
14 marijuana business licenses; providing for the
15 reduction of medical marijuana dispensary, processor,
16 and commercial grower licenses; directing the
17 Authority to promulgate certain rules and regulations
18 for number-based lottery system; providing for
19 codification; and declaring an emergency.

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

26 SECTION 1. NEW LAW A new section of law to be codified
27 in the Oklahoma Statutes as Section 431 of Title 63, unless there is
28 created a duplication in numbering, reads as follows:

29 Sections 1 through 4 of this act shall be known and may be cited
30 as the "Oklahoma Cap on Medical Marijuana Businesses Act of 2022".

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 431.1 of Title 63, unless there
3 is created a duplication in numbering, reads as follows:

4 A. On July 1, 2022, or fifteen (15) days from the effective
5 date of this act, the Oklahoma Medical Marijuana Authority shall
6 announce publicly that the number of medical marijuana dispensary
7 licenses, medical marijuana processor licenses, and medical
8 marijuana commercial grower licenses authorized in the State of
9 Oklahoma shall be capped beginning September 1, 2022.

10 B. Beginning September 1, 2022, the number of medical marijuana
11 dispensary licenses, medical marijuana processor licenses, and
12 medical marijuana commercial grower licenses authorized in the State
13 of Oklahoma shall be capped at the total number of licenses in each
14 category as of September 1, 2022, combined with the total number of
15 applications pending with the Authority that were submitted prior to
16 September 1, 2022. In order to determine the final amount of
17 authorized medical marijuana dispensary licenses, medical marijuana
18 processor licenses, and medical marijuana commercial grower licenses
19 in this state, the Authority shall first process all pending
20 applications for each license category received prior to September
21 1, 2022, and add that number to the total number of licenses in each
22 category as of September 1, 2022. Applications for a medical
23 marijuana dispensary license, medical marijuana processor license,
24 or medical marijuana commercial grower license shall not be accepted

1 beginning September 1, 2022, except as provided in subsection C of
2 this section.

3 C. All applicants submitting an application for a medical
4 marijuana dispensary license, medical marijuana processor license,
5 or medical marijuana commercial grower license, prior to September
6 1, 2022, shall meet all requirements to hold a medical marijuana
7 business license at the time of application. However, such
8 applicant shall not be required to submit a certificate of
9 compliance prior to submitting an application under the provisions
10 of this subsection, and each applicant shall have one hundred eighty
11 (180) days from the date such license is provisionally approved to
12 submit a certificate of compliance to the Oklahoma Medical Marijuana
13 Authority. Only upon submission and acceptance by the Authority of
14 the certificate of compliance, and provided the applicant continues
15 to meet all other requirements provided for in Sections 421 through
16 423 of Title 63 of the Oklahoma Statutes and the Oklahoma Medical
17 Marijuana and Patient Protection Act, shall the applicant be awarded
18 a business license. In the event an applicant does not submit a
19 certificate of compliance or fails to meet any other requirements
20 for licensure within one hundred eighty (180) days of being awarded
21 a license, the license shall automatically terminate and shall not
22 be extended.

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1 SECTION 3. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 431.2 of Title 63, unless there
3 is created a duplication in numbering, reads as follows:

4 A. Beginning September 1, 2022, the number of medical marijuana
5 dispensary licensees authorized to operate in the State of Oklahoma
6 shall be automatically reduced by the number of medical marijuana
7 dispensary licenses surrendered, canceled, or otherwise terminated,
8 until such time as the total number of medical marijuana dispensary
9 licenses is equal in number to or less than two thousand.

10 B. Beginning September 1, 2022, the number of medical marijuana
11 commercial grower licensees authorized in the State of Oklahoma
12 shall be automatically reduced by the number of medical marijuana
13 commercial grower licenses surrendered, canceled, or otherwise
14 terminated, until the total number of medical marijuana commercial
15 grower licenses is equal in number to or less than five thousand.

16 C. Beginning September 1, 2022, the number of medical marijuana
17 processor licensees authorized in the State of Oklahoma shall be
18 automatically reduced by the number of medical marijuana processor
19 licenses surrendered, canceled, or otherwise terminated, until the
20 total number of medical marijuana processor licenses is equal in
21 number to or less than one thousand.

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1 SECTION 4. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 431.3 of Title 63, unless there
3 is created a duplication in numbering, reads as follows:

4 The Oklahoma Medical Marijuana Authority shall, within ninety
5 (90) days of the effective date of this act, promulgate rules and
6 regulations to govern an impartial, number-based lottery to govern
7 issuance of all available medical marijuana business licenses up to
8 the cap amount for the specific medical marijuana business license
9 category.

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

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