

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

HOUSE BILL 3739

By: Bashore

AS INTRODUCED

An Act relating to medical marijuana; requiring the Oklahoma Medical Marijuana Authority recommend rules and procedures designed to control and regulate certain marijuana odors; requiring the State Commissioner of Health to promulgate certain rules and procedures; providing contents of certain rules; allowing Authority to determine violations; authorizing review of best practices; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 426.2 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Medical Marijuana Authority shall recommend and the State Commissioner of Health shall promulgate rules and any necessary procedures for the development of a system of regulations designed to grant the Oklahoma Medical Marijuana Authority enforcement powers to mitigate and control nuisance odors created by medical marijuana growing, processing, or manufacturing facilities. The regulations shall contain requirements that include, but shall not be limited to, the following:

1 1. The investigation of complaints of odor related to the
2 growing, processing, or manufacturing of medical marijuana;

3 2. A determination of the source of said odor;

4 3. A determination by Authority personnel that the odor can be
5 readily smelled from a public place or private property and that the
6 odor detected is of a sufficient strength to unreasonably interfere
7 with an individual's enjoyment of his or her property;

8 4. Written affidavits from complainants describing or
9 identifying, to the extent possible, the location, duration, and
10 offensiveness of the odor experienced by the complainants;

11 5. Allowing or requiring the offending entity to work with the
12 Authority to develop and institute an odor abatement plan; and

13 6. The issuance of citations and fines for noncompliance.

14 B. The Authority shall determine whether or not a violation of
15 the regulations has occurred based upon its review of the
16 information obtained during its investigation. The Authority may
17 review other states' best practices, including the use of odor-
18 detecting devices, for the development of the regulations required
19 by this section.

20 SECTION 2. This act shall become effective November 1, 2022.

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