

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

SENATE BILL 1841

By: Paxton

AS INTRODUCED

An Act relating to medical marijuana; amending 63 O.S. 2021, Section 426.1, as last amended by Section 3, Chapter 584, O.S.L. 2021, which relates to licensure revocation; authorizing the Authority to take certain actions against a medical marijuana business license holder for violations; providing notice for holder to resolve violations; updating statutory reference; and declaring an emergency.

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

SECTION 1. AMENDATORY 63 O.S. 2021, Section 426.1, as last amended by Section 3, Chapter 584, O.S.L. 2021, is amended to read as follows:

Section 426.1. A. Except for revocation hearings concerning licensed patients, as defined in Section 427.2 of this title, all licensure revocation hearings conducted pursuant to marijuana licenses established in the Oklahoma Statutes shall be recorded. A party may request a copy of the recording of the proceedings.

1 Copies shall be provided to local law enforcement if the revocation
2 was based on alleged criminal activity.

3 B. The State Department of Health shall assist any law
4 enforcement officer in the performance of his or her duties upon
5 such request by the law enforcement officer or the request of other
6 local officials having jurisdiction. Except for license information
7 concerning licensed patients, as defined in Section 427.2 of this
8 title, the Department shall share information with law enforcement
9 agencies upon request without a subpoena or search warrant.

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

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

21 E. 1. All marijuana-licensed premises, medical marijuana
22 businesses or any other premises where marijuana or its by-products
23 are licensed to be cultivated, grown, processed, stored or
24 manufactured shall submit with their application, after notifying

1 the political subdivision of their intent, a certificate of
2 compliance from the political subdivision where the facility of the
3 applicant or use is to be located certifying compliance with zoning
4 classifications, applicable municipal ordinances and all applicable
5 safety, electrical, fire, plumbing, waste, construction and building
6 specification codes.

7 2. Beginning on ~~the effective date of this act~~ May 28, 2021,
8 upon the initial request for renewal or transfer of a retail
9 marijuana dispensary license, a municipal government may object to
10 the continued licensure of the medical marijuana dispensary if the
11 municipal government determines it is operating contrary to the
12 required setback distance from a school including the error in
13 measurement allowance authorized by Section 425 of this title.

14 3. To prevent the granting of the grandfather provisions of
15 Section 425 of this title as a matter of law, the municipal
16 government shall provide the following documentation prior to the
17 initial renewal or transfer of a license:

- 18 a. a municipal resolution finding that the marijuana
19 dispensary is located within the prohibited setback
20 distance from a school that was openly in existence in
21 such a way that the public generally would have known
22 of the school's existence and operation in that
23 location prior to the original marijuana dispensary
24 being licensed. For purposes of this subparagraph,

1 "openly in existence" means any building, location or
2 structure on a school site that has visible outward
3 markings indicating the building, location or
4 structure was operating as a school which would serve
5 as sufficient notice of the existence of the school or
6 a reason for further inquiry on the part of the
7 marijuana dispensary license applicant. "Openly in
8 existence" shall not mean any school that operated
9 secretly or discreetly without any signs or other
10 markings on any building, location or structure on the
11 school site, undeveloped land or a structure owned by
12 a school that was not openly used and marked as a
13 school site, or any school site that was established
14 after the marijuana dispensary had been established
15 and licensed by the Authority, and

- 16 b. documentation of the measured distance from the school
17 to the marijuana dispensary utilizing the method for
18 determining the setback distance less any allowable
19 error in measurement calculated and remeasured on and
20 after ~~the effective date of this act~~ May 28, 2021, as
21 authorized by Section 425 of this title.

22 4. Prior to initial renewal or transfer of a license and upon
23 receipt of documentation required by paragraph 3 of this subsection,
24 if the Authority determines that the medical marijuana dispensary is
25

1 operating contrary to the required setback distance from a school
2 including the error in measurement allowance authorized by Section
3 425 of this title, the Authority may deny the renewal or transfer of
4 the medical marijuana dispensary license and shall cause the license
5 to be revoked.

6 5. For purposes of this subsection, "school" means the same as
7 defined in Section 427.2 of this title.

8 F. The Oklahoma Medical Marijuana Authority shall deny an
9 application or suspend or revoke a medical marijuana business
10 license due to any violation of state law, any violations of a
11 regulation applicable to the business including those adopted or
12 enforced by any state agency including, but not limited to, the
13 Department of Environmental Quality, the Oklahoma Water Resources
14 Board, the Oklahoma Department of Agriculture, Food, and Forestry,
15 the Corporation Commission, or any other agency or commission of
16 this state, or any local ordinance or regulation applicable to a
17 medical marijuana business or inaccurate reporting or disclosures to
18 municipal governments. Upon receipt of a notice of violation, the
19 Authority shall give a medical marijuana business license holder
20 thirty (30) days to resolve the violation. If the violation is not
21 resolved within the thirty (30) days, the Authority shall take
22 action pursuant to this subsection.

23 SECTION 2. It being immediately necessary for the preservation
24 of the public peace, health or safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.
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MR

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